

**IN THE MATTER OF THE POLICE CONDUCT REGULATIONS 2020  
AND IN THE MATTER OF AN ACCELERATED MISCONDUCT HEARING**

**RE: FORMER PC 3453 GRZEGORZ BINISZKIEWICZ**

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**DETERMINATION OF  
CHIEF CONSTABLE**

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1. This is my determination in the accelerated misconduct proceedings relating to Former PC 3453 Grzegorz Biniszkiwicz ('the former officer').

**Representation**

2. The Appropriate Authority was not represented at the hearing. The former officer was represented by the police federation although the former officer himself did not attend the hearing.

**Allegations**

3. The allegation is set out in the Regulation 51 notice contained within the hearing bundle at page 13-16. In summary, it is alleged that the former officer assaulted [REDACTED] on two separate occasions. The first of these was between April and May 2024 and the second was on the 1<sup>st</sup> February 2025. This is alleged to breach the standard of professional behaviour, namely discreditable conduct.

**Burden and standard of proof**

4. The burden of proof is on the Appropriate Authority to prove that the former officer behaved in the manner alleged and that in doing so, he breached the standards of professional behaviour. The standard of proof is on the balance of probabilities. The Appropriate Authority must further satisfy me that the manner of the breach is of such a nature or degree that it amounts to gross misconduct.
5. The former officer has raised self defence. It is for the Appropriate Authority to disprove self defence.

### **Determination of conduct**

6. In making my determination in relation to the alleged misconduct, I have assessed all relevant information made available to me in the hearing bundle and I have considered the representations made by the Appropriate Authority.
7. I have also utilised the relevant sections of the College of Policing Document '*Guidance on Outcomes in Police Misconduct Proceedings*' in formulating the rationale for my determination.
8. Before making my determination, I reminded myself of the definition of Misconduct and Gross Misconduct as prescribed by Regulation 2, where Misconduct means "*a breach of the Standards of Professional Behaviour that is not so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable*" and Gross Misconduct means "*a breach of the Standards of Professional Behaviour that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable*"

### **Factual findings**

9. [REDACTED]. In May 2024, the former officer struck [REDACTED] to the back during an argument [REDACTED]

██████████. ██████████ describes the strike to ██████ back with a closed fist that was painful. ██████ says ██████ has a photograph of this, and a photo is visible at page 83 of the bundle showing a bruise to ██████ back. On the 1<sup>st</sup> February 2025, ██████████ became distressed ██████ ██████████ ██████████. ██████ ██████████ ██████████, ██████████ ██████████ ██████████ ██████████. In ██████ hand written statement ██████ describes this as a punch to his arm. The Former Officer then proceeded to forcefully kick ██████ to the left thigh, causing a large bruise which caused ██████ to struggle to walk comfortably. A bruise is visible at page 85 to the back of ██████ thigh. When seen by the forensic medical examiner the injuries were described as two bruises to ██████ left lateral (outside) mid thigh.

10. I have also been provided with a disclosure witness statement from ██████████ ██████████ This shows social media messages with an injury to the back alleging the officer caused the injury yesterday, though from the screenshots alone the timing of the injury cannot be readily ascertained. A disclosure of being hit in February 2025 was also made by ██████ to ██████████, and the photos of the injury were also shared.

11. The Former Officer in Interview on the 3<sup>rd</sup> February 2025 began by answering no comment to all questions asked of him, but went on to say to say he did not assault ██████, accepted it likely they had an argument in 2024. He then said they would argue, denied they got physical, before alleging that ██████ would scream, shout and throw stuff at him and get physical with him. This included ██████ spitting at him, trying to punch him, and scratching his ear. He was then asked whether ██████ ever received any injuries to which he replied, "*no comment, never assaulted* ██████████

12. The Former Officers ██████████ has also provided a statement. It relates to an incident caused to the former officer in March 2023 where the injury is caused by ██████. ██████ alleges that the Former Officer was seeking help in relation to ██████████ and messages of that was seen by ██████ on ██████ phone in around Christmas

time 2024. [REDACTED] has also taken recordings of [REDACTED] in this case. Messages have been provided showing the injuries to the former officer in 2023. It is unclear who has translated those audio clips. One of those recordings at 160 in the bundle shows [REDACTED] accepting that [REDACTED] hit the former officer. It then says *“so you act kind of aggressively towards him and he hits back”* and [REDACTED] replies yes.

13. A [REDACTED] states that [REDACTED] attended the address on the 3<sup>rd</sup> February 2025. [REDACTED] states [REDACTED] set out that [REDACTED] would do anything to cause him to lose his job. This is not consistent with the transcripts which have been provided during these proceedings.

14. The former officer was interviewed a second time in November 2025. In that interview he spoke about the incident in February 2025. He stated that he had been punched by [REDACTED] and accepted kicking [REDACTED] to the knee not the thigh, when [REDACTED] raised a hand towards him. He had been [REDACTED] at the point when he was punched. He also raised that in relation to the May 2024 incident, that the complainant had hit [REDACTED] on the back.

15. In my view, I find that first allegation is proven on the balance of probabilities. I find it hard to accept that [REDACTED] assaulted [REDACTED] or banged [REDACTED] on furniture causing injuries. It is relevant in my view that [REDACTED] has not sought to provide greater detail or clarity about the incident in an effort to embellish the allegation. Instead, [REDACTED] provided a discrete message to [REDACTED], and in those messages referred to concerns about reporting matters. [REDACTED]. The injury is shown clearly in the images. On the other hand, I note that the statements relied upon by the officer are not from independent sources, [REDACTED], are made a long period of time thereafter, and could include a motivation to lie. Equally, as the officer has not attended, I cannot assess his evidence live. As a result of the above, I am satisfied that in April/May 2024, the officer struck [REDACTED] with a closed fist to the back resulting in a bruise.

16. I then consider the second allegation. I note that the officer has raised self defence, and [REDACTED] has accepted punching the officer prior to him kicking [REDACTED]. I therefore accept that prior to the officer kicking [REDACTED] had punched him. I do not believe it was necessary for the officer to use any force against [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The officer would have been able to employ other methods of behaviour to diffuse the situation. [REDACTED] [REDACTED] [REDACTED]. Equally, the officers level of force used, even if he did need to use force, was entirely disproportionate. He kicked [REDACTED] [REDACTED] to the leg causing a significant bruise. That is well in excess of any level of force used. Finally, I do not accept his account of the event, because:

- a. In interview he denied kicking [REDACTED] to the thigh, saying it was the knee. It was clearly the thigh given the photographic evidence. The level of injury is high, as it is significant bruising. This must have been an attempt to downplay the level of assault which took place, and the officer must have known that the injury was too serious to justify, otherwise he would not have suggested the kick landed elsewhere.
- b. The Former Officer contradicted himself in interview, because he originally said when asked about assaults "No comment, never assaulted [REDACTED] before, in his second interview months later, accepting he did in fact kick [REDACTED] This inconsistency is major and in my view makes it difficult to accept his evidence.

17. Whilst again, [REDACTED] [REDACTED] have provided statements, they provided little assistance as they are not unbiased and are made after the events in question and once it became clear that the officer was in trouble. As set out, [REDACTED] [REDACTED] witness statement is inconsistent with the transcripts that have been made available, suggesting some level of embellishment. I equally find [REDACTED]

admissions that [REDACTED] did strike the Former Officer to lend some support to [REDACTED] version of events. [REDACTED] is not embellishing and exaggerating and is accepting parts of [REDACTED] own conduct that were not appropriate.

18. These two allegations of [REDACTED] assaults breach the standard for discreditable conduct.

19. I must now consider whether those facts amount to misconduct or gross misconduct. First, I will consider the severity by way of culpability and harm. I will then consider whether the conduct amounts to misconduct or gross misconduct.

### **Severity**

20. I have considered Section 4 of the Home Office guidance on Outcomes. I make clear that I am using this guidance to assist in my determination of the level of misconduct and not on any potential sanction. I have first considered the level of culpability. I note in the guidance at 4.17 which states *“It is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves.”* I also note the guidance at 4.18 which states *“A relatively minor criminal offence may be of the utmost gravity in the professional context”* and at 4.21 which states *“However, any criminal conviction will be serious and will be likely to have an adverse impact on public confidence in policing. Depending upon the type of offence, an officer’s conviction or caution may be disclosed to the prosecution and defence during the course of a criminal trial, with the potential for undermining the investigation and prosecution”*. Even though the officer has not been convicted of a criminal offence, the conduct that I have found proven would amount a criminal offence, namely an assault.

21. In my view the culpability for this matter was high. The officer has committed a criminal offence and that is always serious as per the guidance. *As set out at 4.40 “Misconduct involving violence ... is serious and can significantly undermine public trust in the profession”*

22. Turning then to harm, this case can be separated in two ways. Firstly, is the harm or risk of harm caused from the actions themselves. Secondly there is the wider risk of harm. I have considered them separately before coming to an overall harm assessment.

23. Incident harm – There was direct harm caused by this incident to [REDACTED]. It was painful to touch and difficult for [REDACTED] to move comfortably.

24. Turning then to the wider harm, 4.66 of the guidance states “*Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account*”. As set out at 4.21 “*any criminal conviction will be serious and will be likely to have an adverse impact on public confidence in policing.*” It is clear that the public trust and confidence in the profession would be significantly undermined if they knew of the officer’s behaviour. The reputational harm would be high. Officers are trusted to deal with vulnerable victims of domestic violence, and the officers conduct undermines their ability to trust in the police.

25. In my view this case demonstrates a high level of harm. This comes from the harm involved in the conduct itself but also the impact on public confidence in policing.

26. I have given specific consideration as to whether the misconduct is at the level of gross misconduct or at the level of simple misconduct. Having assessed the seriousness of the actions, I am satisfied that the misconduct meets the definition of Gross Misconduct “*a breach of the Standards of Professional Behaviour so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable*”. Both the culpability and harm in this case are high, and therefore the seriousness is high, and therefore it is so serious as to justify dismissal.

## **Conclusion**

27. In conclusion, my findings are that both allegations are proven on the balance of probabilities and that the proven misconduct breaches the Standards of Professional Behaviour alleged, namely discreditable conduct and that such proven breaches constitute gross misconduct.

28. I will now hear representations on the appropriate outcome in this case.

## **Determination of Outcome**

1. Having determined that these allegations amounted to gross misconduct, I invited representations from the Appropriate Authority on the appropriate Outcome in this matter. The officers federation representative was also allowed to make representations. As the officer is not present, I have kept their interests in mind when looking at and considering mitigation.
2. Submissions were made by the Appropriate Authority that the appropriate Outcome in this case should be dismissal.
3. Any action I take today must balance the former officer's rights proportionately with the requirement to maintain public confidence in, and the reputation of, the Police Service, and to uphold high standards in policing and to deter misconduct. My role is not punitive and the purpose is not to punish the Former Officer.
4. It having been found at Stage One of proceedings that the conduct constitutes Gross Misconduct, Regulation 62 sets out that where the conduct amounts to Gross Misconduct, which must be dismissal without notice unless exceptional circumstances exist which justify a final written warning or a reduction in rank. However, as we are dealing with a former officer, the only outcomes I can consider

are disciplinary action on no disciplinary action, and the disciplinary action is that the officer would have been dismissed if still serving.

5. I considered these potential outcomes in order from the lowest sanction through to Dismissal and I have assessed them as to how they may meet the need to fulfil the purpose of the misconduct proceedings, and the purpose of imposing sanctions.
6. I have considered the seriousness of the misconduct that has given rise to the Former Officer's case being before me today, in accordance with the College of Policing's Guidance on Outcomes, and I set out my conclusions and the reasons for them below. In doing so I have followed the procedure set out in the case of Fulger and contained within the guidance.

### **Culpability**

7. I have considered the officer's culpability in this case and make the following observations:
  - a. The officer has committed [REDACTED] assault, whilst he has not been convicted of a criminal offence, the behaviour was criminal in nature.
  - b. [REDACTED]
  - c. [REDACTED]
8. Accordingly, I find that the level of culpability was high.

### **Harm**

9. I have considered the harm caused by the Officer's actions in this case and make the following observations:
  - a. Direct harm was caused to [REDACTED] in terms of injury



*often be able so to do. However, because of the importance of public confidence, the potential of such mitigation is necessarily limited.'*

**Determination**

16. I find that the appropriate outcome in this case would have been dismissal without notice if the officer was still serving. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  
17. No exceptional circumstances have been advanced on behalf of the officer. In any event, I have still considered if any exceptional circumstances exist. I am unable to identify any within the material placed before me. For completeness, I cannot identify any alternative had the officer not resigned as an appropriate sanction for the conduct proven. A final written warning or a reduction in rank would not have been appropriate given the seriousness of the proven conduct.
  
18. As a result of this decision, The officer should be placed on the Police Barring List.
  
19. I am aware of the officer's right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The officer should provide notice of his intention to appeal to the Appropriate Authority within 10 working days of receipt of this written determination.