

FINDING AND OUTCOME
ACCELERATED MISCONDUCT HEARING

07/09/2021

PC 22120 DECLAN JONES

Finding

In relation to the finding of fact, on this particular case, I have found that the conduct in relation to both these matters is proven and is a breach of the Standards of Professional Behaviour in relation to Discreditable Conduct is proven and the breach is so serious that it amounts to Gross Misconduct in this particular case.

Outcome

I have reviewed the documentation and the facts put forward to me following the College of Policing's Guidance on Outcomes in Police Misconduct Hearings.

The guidance sets out clearly the Police Conduct Regime exists to maintain the confidence in and the reputation of the police service, to uphold high standards in policing and deter misconduct and protect the public.

In assessing the sanction the guidance asks panels to assess the seriousness of the misconduct, keep in mind the purpose of imposing sanctions, choose the sanction which fulfils that purpose for the seriousness of the conduct in question.

In assessing seriousness I have looked first at the officer's culpability. The College guidance, quite clearly identifies that it is entirely unacceptable for Police officers to break the law themselves. This case concerns two convictions of assault by an officer whilst on duty. The officer relates to young men, one of whom was a juvenile at the time. The College of Policing guidance also identifies misconduct involving violence undermines public trust in the profession and is always serious.

The case has caused harm by the officer's actions. The victims in these cases suffered physical hurt from the assaults upon them. Harm has unquestionably been caused to the reputation of the Police service by the officer's actions. Both assaults were captured on CCTV and widely seen. The conduct will not have given the public any confidence in our Force. A right-thinking member of the public would feel the force applied to be excessive and to be gratuitous and that is clearly the finding that the court made in this case.

The case, as the Appropriate Authority has pointed out, has additional aggravating factors. The case shows a clear abuse of the officer's powers while on duty, a significant deviation from instructions concerning the methods of using force and the fact the case concerns a significant national concern, namely the use of excessive force by the Police on black men and the case involves more than one breach and one victim vulnerable by age.

I find no mitigating factors in this case.

The officer's conduct has clearly fallen far below what ought to be expected of any Police officer. His conduct is criminal and has caused a serious impact upon the public view of West Midlands Police and his criminal behaviour is against everything that this Force stands for. I fully apologise to his victims in this case. As the Appropriate Authority set out, I can see no sanction that would meet this other than the officer should be dismissed without notice today and under Regulation 63 I will submit the report that will be set out my reasons for the officer to this matter.

General Points not for the Regulation 63 Notice.

I do want to mention general points concerning this case today to the Force and the public as this case will inevitably be seen in the context of deep concerns by the black community about the use of force by the Police.

Police officers join the public to serve, they run towards danger and place themselves in harm's way and they have extraordinary powers whose wise and considered use sits at the heart of the bond between the Police and the public. Every day I see examples that make me proud of officers in this force who wear the badge of the crown and do great things for the community.

This officer has today made the work of good officers harder by his criminal acts and we are right to see his behaviour has no place in policing and undermines our efforts.

However this case will reinforce the view of some that his bad behaviour has only been acted upon because of clear CCTV and that other incivilities towards black people do not receive the attention that is unavoidable in this case. I do not believe this to be true but as a Force and a group of professionals we fail if we do not confront the realities of this view and the fact that force is used by us disproportionately on black men.

There is more that needs to be done by the Force and each of us to address this. We do Police unequal society and there will always be disparities. Where they exist we must account for them and take action to demonstrate that we are acting fairly and in the public interest.

Today in our Force we expect leaders to monitor how officers deal with confrontations and use force. We routinely review these cases so officers performance can be improved. We expect Body Worn Video to be used when force is applied and we continue to bring in the public to scrutinise our work.

Getting this right and ensuring our black communities know this is an imperative for me and every right thinking person in this Force. It requires each of us to strive to be ever better at how we carry out our policing so we can remove the stain that this officer's actions has placed on our force.