

SOUTH WALES POLICE

NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING

(Regulation 43 Police (Conduct) Regulations 2020 as amended by the Police (Conduct) (Amendment) Regulations 2024)

CHAIRPERSONS ACCOUNT

DATES OF HEARING: 24TH TO 27TH MARCH AND 1ST MAY 2026

OFFICER CONCERNED: OFFICER Z

NAME OF PERSON CHAIRING: ACC JENNY GILMER

NAMES OF PANEL MEMBERS: MR STEPHEN DAVIES (IPM) AND MR ADRIAN ROBERTS-WALSH (IPM)

THE DECISIONS OF THE HEARING

THE ALLEGATIONS ARE:- (set out allegations from Regulation 30 Notice)

BACKGROUND

1. OFFICER A was a female response officer working in a police station in South Wales. She had joined South Wales Police in March 2021 and had known OFFICER Z since early 2022. She described their relationship in work as friendly but professional. It is alleged that OFFICER Z would make inappropriate sexualised comments to OFFICER A during work hours when they were on duty together. OFFICER Z was OFFICER A's supervisor. OFFICER A complained that there were a lot of inappropriate sexual comments about female officers made by male members of the team. OFFICER A stated that OFFICER Z was one of the male officers who engaged in this inappropriate behaviour. OFFICER A stated that she had never shown any romantic or sexual interest in OFFICER Z. However, the behaviour of OFFICER Z towards her was highlighted by a new student who had joined the team and asked OFFICER A what was going on between her and OFFICER Z. OFFICER A was taken aback by this question as there was nothing happening and nothing ever had. OFFICER A told the student that there was nothing going on between her and OFFICER Z. The student officer, who is referred to as PC W in these proceedings, then said to OFFICER A that she had better tell OFFICER Z that. PC W explained that it was the behaviour of OFFICER Z towards OFFICER A, that she had witnessed, that made her think that there was something going on between them. In her witness statement OFFICER A describes how OFFICER Z had been asking her about her sex life. She didn't report this because she thought it would stop when she didn't reply. It is alleged that the harassment of OFFICER A became more obvious between the 19th and 30th January 2024. OFFICER Z became jealous of a friendship which OFFICER A had with another police officer. There were numerous examples of intrusive, unwanted messages being

sent from OFFICER Z to OFFICER A during this time. Colleagues of OFFICER A realised how inappropriate OFFICER Z's behaviour was towards OFFICER A. He was her supervisor and his overbearing and unwanted attention caused OFFICER A to be extremely anxious and uncomfortable. Examples of the alleged inappropriate behaviour of OFFICER Z are set out in the Regulation 30 Notice in paragraph 3 in sub-paragraphs (a) to (o). OFFICER A was unable to sleep or eat properly for several weeks, because of this behaviour of OFFICER Z. She also spent a week at a friend's house as she didn't feel safe at home for fear that OFFICER Z might turn up. OFFICER A felt threatened and intimidated and was scared to go to work. She was unable to go into the police station which was her usual base. Eventually, OFFICER A made a complaint about OFFICER Z's behaviour to a Sergeant, and these misconduct proceedings resulted.

FINDINGS OF FACT

Preliminary matters

2. The burden of proof is on the Appropriate Authority (AA). The standard of proof is the balance of probability. This means that the Panel has to be satisfied that it is more likely than not that an allegation is true before it can find it proved. The Panel has considered the hearing bundle comprising of 262 pages. The Panel heard oral evidence from 7 witnesses, OFFICER A, PC B, PC W, OFFICER Z, FORMER PC ZH, FORMER INSPECTOR K and PC SW. It was decided by the Panel that all the witnesses who gave evidence or were referred to in evidence should be anonymised. It was also decided by the Panel that the names of any police stations mentioned by the witnesses should be kept confidential. The reason for these steps being taken was to prevent the identification of the complainant or the officer accused of misconduct. This was because of the potential embarrassment and distress for OFFICER A, the complainant, if she was identified, due to the nature of the allegations. In addition, there were serious concerns about the effect on OFFICER Z's mental health should his identity be revealed. In the Panel's judgement this potential significant harm to OFFICER A and OFFICER Z would not be justified by the need to comply with the presumption that the hearing should be in public, if the allegations were not proven. The Panel will review the position after it has determined the facts, alleged breaches of standards and issues about misconduct and gross misconduct. If the names of other officers or the police stations involved in the case were disclosed, this could lead to jigsaw identification of OFFICER A and OFFICER Z.
3. The Panel accepted the advice of the Legally Qualified Person (LQP) that OFFICER Z was of good character because he had no previous convictions or adverse disciplinary findings against him. He had also provided a number of character references. The officer's good character was relevant in two ways. First, the officer had provided a written statement and Regulation 31 response prior to the hearing and has given oral evidence at the hearing. His good character supports his credibility. It is a positive feature which the Panel will take into account when considering whether it accepts his evidence. Second, the fact that the officer has no previous convictions or disciplinary

findings against him may mean that he is less likely to have committed the misconduct alleged against him.

4. In considering the evidence of the witnesses who gave oral evidence at the hearing the Panel assessed their credibility. To assist the Panel in undertaking this exercise it was advised by the LQP that consistency between the written and oral evidence of the witness could support their credibility. The Panel were further advised to look for documentary evidence to support their evidence and also for evidence from other witnesses which corroborated their evidence. The Panel were advised that a witness exhibiting distress was not necessarily supportive of someone telling the truth. The Panel accepted the advice of the LQP.

THE ALLEGATIONS

The Appropriate Authority has referred this case to gross misconduct proceedings. It is alleged that your behaviour has fallen below the Standards of Professional Behaviour. It is alleged that:

1. At all material times which are the subject of this allegation you were required to comply with the Force Sexual Harassment Policy and you had received the following required training: (i) Leadership & Development including Standards and Values. (ii) Operation Ninian & Sexual Harassment in the Workplace.

The Panel found this to be proven based on the information provided in the bundle including Officer Z's training record which demonstrates relevant training undertaken including Leadership Development (Standards and values), Operation Ninian and Sexual Harassment in the Workplace.

2. Between 19th and 30th January 2024, you sexually harassed Officer A whilst you were her supervisor.

Having considered the behaviours alleged as below, the Panel found this allegation to be proved. The Panel heard evidence from a number of witnesses that there may have been something of a culture associated with officers on this shift that may be described as "banter" or going further may have been described as "lewd". The Panel finds that the evidence of Officer A supported by other officers who gave oral evidence and others who provided statements that were not challenged, taken together has resulted in the Panel to determining that on the balance of probabilities the overall pattern of Officer Z's behaviour towards Officer A during this time, when he was undertaking the role of A/Police Sergeant did constitute sexual harassment towards Officer A.

3. Although PC A made it clear that she had no interest in being anything other than your friend your behaviour included:
 - (a) Whilst alone with her asking her personal questions about her relationship with a male colleague and becoming agitated and/or angry when she would not answer.

This allegation was based on a conversation alleged to have taken place in the 'smoker's corner' area of the relevant police station where Officer A gave written and live evidence that Officer Z

asked her questions about a colleague, she was alleged to be interested in and became angry in the course of the conversation. Whilst the Panel have some reservations regarding Officer A's own conduct (for example unauthorised use of a police vehicle to collect colleagues and her inconsistent account of a previous car accident) and noted her limited recollection in relation to some aspects of the cross-examination, the Panel heard sufficient evidence corroborating evidence from Officer W that supports the account given by Officer A.

The Panel found this to be proved on based on the evidence provided by Officer A supported by Officer W.

(b) Telling her that you wanted to "f**k" her.

Officer A provided a statement and gave live evidence that Officer Z advised her that he 'knew someone else who wanted to f**k her' and on being questioned by Officer A revealed that the person in question was him. Officer Z claimed that in this interaction he merely advised Officer A that he 'liked her' and then immediately retracted the remark. Whilst, as above, the Panel have some reservations regarding Officer A, the Panel heard evidence from Officer W based around disclosures made by Officer A shortly after the behaviour complained of that supports the account given by Officer A.

The Panel found this to be proved on based on the evidence provided by Officer A supported by Officer W.

(c) Asking her personal questions about her relationship with a male colleague in front of other members of the Team.

This relates to the conversation alleged to have taken place in police vehicles in the car park of a restaurant car park where Officer A and Officer B and Officer W gave evidence that they heard Officer Z ask Officer A questions about her relationship with Officer JH. The Panel found the evidence of Officer B and Officer W particularly compelling in terms of confirming that the conversation did take place. B heard the question being asked and, in his statement, described how Officer Z would press the question and return to the topic repeatedly. Officer W confirmed that she was present when they met for a coffee and recalled a conversation about the Officer that Officer A had been meeting with outside of work and Officer Z being persistent with his questions.

The Panel found this to be proved on based on the corroborating evidence provided by Officer B and Officer W.

(d) Telling her that you would like to cheat on your wife with her.

This allegation is also based on the conversation alleged to have taken place in the 'smoker's corner' area of the relevant police station where Officer A gave written and live evidence that Officer Z revealed that he wanted to cheat on his wife with her. Whilst, as above, the Panel have some reservations regarding Officer A, the Panel heard evidence from Officer W that supports

the account given by Officer A based on disclosures made shortly after and contemporaneously with the interaction in question.

The Panel found this to be proved on based on the evidence provided by Officer A supported by Officer W.

(e) Repeatedly asking her why she was hiding from you and/or ignoring you.

This relates to messages that were shared between the two officers one of which stated, 'Perhaps you can stop hiding now' and 'Why are you being a pain and ignoring me (Officer A)'. These messages are a matter of record, and the panel have been provided with screen shots so the fact that the messages were sent is not in question. It is noted however that Officer Z provided his perspective whilst giving live evidence around the context of the messages being sent where he explained that he just wanted to make sure that everything was ok and he didn't want her to feel uncomfortable. The Panel rejected Officer Z's explanation. The Panel found this to be proved.

(f) Messaging her to say that you were angry with her.

This relates to messages that were shared between the two officers one of which stated "I'm getting angry now ***" followed by further messages. These messages are a matter of record, and the Panel have been provided with screen shots so the fact that the messages were sent is not in question.

The Panel also noted that the volume and length of messages sent by Officer Z was far in excess of that sent by Officer A, whose responses were occasional and brief in comparison.

(g) Asking her where she had been and who she had been with.

This relates to questions asked by Officer Z of Officer A regarding where she had been the night before during a phone conversation which took place immediately before the first aid training course which took place on 25th January 2024 and where Officer A revealed that she was hungover having been out the night before and described Officer Z's questions regarding where she had been and who she had been with as 'persistent'. The Panel

noted Officer Z's assertion that he made the calls as he was running late and the questions asked were merely in the interests of making conversation. The Panel preferred the evidence of Officer A on this allegation. The Panel find the fact that the calls were made and the questions asked proven on the balance of probabilities. The Panel finds the questions were persistent and intrusive.

(h) During first aid training whilst packing a wound with two fingers you looked directly at PC A and said "Is this turning you on?" whilst smirking.

Officer Z has made an admission on this point. He admits that he made the comment and accepts the inappropriateness of the remark and that he should not have said it. He claimed in his live evidence that the comment was made in an environment where he felt it would be acceptable and well received. He has apologised for making the statement and accepts that the statement constitutes misconduct,

The fact that the statement was made is not in dispute. It was heard by Officer A and Officer W and is admitted by Officer Z.

The allegation is that the comment was directed at Officer A and both Officer A and Officer W have given evidence that they believe that the statement was indeed aimed at Officer A.

There is no doubt, in the view of the Panel, that Officer Z was interested in Officer A sexually and this was an example of inappropriate behaviour by him towards her.

(i) Telephoning and messaging her numerous times.

The Panel find this to be proved based on the screen shots of Officer Z's mobile phone. For example, on the day of the first aid training when he phoned four times and messaged twice in the course of half an hour.

(j) Contacting her via "Point to Point" numerous times.

The Panel find this to be proved based on the point-to-point records provided. Whilst the Panel noted that point-to-point was a regular communication method on this shift and Officer Z would utilise it to keep in touch with his officers, the Panel noted the extensive volume of point-to-points to A compared to other officers. Whilst it is accepted that the Panel do not know the content of the majority of the messages this finding is of fact based on volume and additionally, evidence heard from Officer W that Officer A had made comments about the volume of point to points from Z.

(k) Demanding that she speak with you alone.

Officer W described how she was called back to the Sergeants' office on the basis that Officer Z wanted to check on her welfare. Officer W gave evidence that she found this strange and did not understand why her tutor (Officer A) was also there and that she felt that she had to check that Officer A was ok when Officer Z asked her to stay behind. Officer W stated that Officer A appeared 'worried and uncomfortable'. There is no doubt in the Panel's mind based on this and the evidence of Officer A that Officer Z did require her to speak with him alone and was dismissive of Officer W's efforts to support Officer A. The Panel found Officer W to be credible and there was no reason to disbelieve the evidence she gave. The Panel found more likely than not that this did take place and indeed Officer Z confirmed that he did asked Officer W to stay in other room while he spoke to Officer A.

(l) Telling her to "Watch [her] friends on Team 5."

The Panel noted that this matter was referred to in evidence of Officer W but there was insufficient evidence provided to discern sufficiently the meaning or tone. The Panel find more likely than not that these words were used so find this proved as fact.

(m) Not allowing her to leave the room until you had spoken to her.

This point is linked to point (k) above. This relates to Officers A and W being called back to Officer Z's office to query W's welfare and him then asking to speak to Officer A alone. Officer W described how she was called back to the Sergeants' office on the basis that Officer Z wanted to check on her welfare. Officer W provided evidence that she found this strange and did not understand why her tutor (Officer A) was also there and that she felt that she had to check that Officer A was ok when Officer Z asked her to stay behind. Officer W stated that Officer A appeared 'worried and uncomfortable'. There is no doubt in the Panel's mind based on this and the evidence of Officer A that Officer Z did require her to speak with him alone and was dismissive of Officer W's efforts to support Officer A. The Panel found Officer W to be credible and there was no reason to disbelieve the evidence she gave.

(n) Repeatedly telling her that she needed time off.

Officer A, in her written statement, talked about the fact that Officer Z told her on several occasions that she needed to take time off which she denied and stated in her statement that her issues were in relation to his behaviour towards her. On the balance of probabilities the Panel believes this was said.

(o) Angrily asking her during "Point-to-Point" calls where she was and what she was doing.

The Panel found this to be proven based on the evidence provided by Officer W where she described a level of emotion and anger and swearing and a tone described as 'harsh and authoritative'. The Panel noted also the evidence of Officer G in her statement that she had also noted this angry communication style. The Panel found the evidence to be credible and believe on the balance of probabilities this did occur.

4. Your behaviour caused PC A to feel uncomfortable, unsafe, embarrassed, intimidated, threatened and scared to come to work. She was unable to sleep or eat properly.

There is evidence from both Officer A and other witnesses about the impact the behaviour had on her. The Panel noted the evidence of Officer G that Officer A had concerns about being left alone with Officer Z and that she had encouraged Officer A to approach supervision about what was happening. Officer A talked about how she preferred to avoid the police station and work elsewhere to avoid Officer Z during this time. Officer A talked about the impact the behaviour had on her including moving from her home address for a period of time. This allegation is found proved.

In coming to its conclusions on the facts of the allegations against Officer Z, the Panel preferred the evidence of Officer A to that of Officer Z where they differed. The reasons for this can be summarised as: the availability of corroborating support from an independent witness in the form of Officer W in relation to the events complained of; that there was no valid explanation offered as to why Officer A would seek to fabricate or embellish her version of events; and the existence of factual evidence supporting the accounts of certain events for example point to point logs demonstrating a high level of communication, text and call logs. The Panel notes that there is evidence supporting the suggestion that Officer A could herself be lewd on occasions but that does not excuse the targeted abusive behaviour of Officer Z towards her. Officer Z had a strong motive for denying the allegations, initially to avoid misconduct proceedings being brought against him and, after proceedings had reached a hearing, to avoid adverse findings being made against him. In particular, he knew that if it was proved that he had a sexual motive for his actions then he would be in real danger of being dismissed.

BREACHES

Alleged Breach - Authority, Respect and Courtesy

You breached the Standard of Professional Behaviour concerning Authority, Respect and Courtesy because:

1. You have failed to:

(a) Treat PC A with courtesy and respect.

(b) Act with self-control.

2. Your behaviour amounted to:

(a) Unwanted conduct and/or unwanted conduct of a sexual nature towards PC A.

(b) Conduct which had the purpose or effect of violating the dignity or creating an intimidating hostile, degrading, humiliating or offensive environment for PC A.

(c) Less favourable treatment of PC A because she is a woman, in that you would not have subjected a male officer to such treatment.

The standard of authority, respect and courtesy says that an officer should act with self-control and should treat members of the public and colleagues with respect and courtesy. An officer must also respect the rights of all individuals and avoid behaviour that might impair their effectiveness or damage their own reputation or that of policing and ensure behaviour and/or language could not reasonably be perceived to be abusive, oppressive, harassing or offensive by the public.

The Panel finds that the pattern of behaviour of Officer Z and cumulative impact of the various incidents amounts to a breach of this standard. In particular, Officer A was not treated with courtesy and respect by Officer Z who had more service and was on some occasions in a supervisory position. The Panel is satisfied that the motivation for his conduct towards Officer A was sexual and this had a clear impact on her. Over a relatively short period of time Officer Z created an intimidating, hostile, degrading, humiliating and offensive environment for Officer A.

Alleged Breach – Orders and Instructions

You breached the Standard of Professional Behaviour concerning Orders and Instructions because, by sexually harassing PC A, you failed to behave in a way that is consistent with the Force Sexual Harassment Policy.

"The Panel finds a clear breach of this standard. Officer Z had received training and was aware of the standard of behaviour expected of him by the force but nevertheless breached this standard."

Alleged Breach - Discreditable Conduct

Your behaviour brings discredit upon the police service and undermines confidence in it because a reasonable member of the public would be justifiably concerned that a male police officer had sexually harassed a female colleague.

The standard of professional behaviour in respect of discreditable conduct says that an officer must conduct themselves on and off duty in a way which does not bring discredit to the force or undermine public confidence in policing. The public expect the highest standards of behaviour and officers must avoid activities that may bring the police service into disrepute. The Panel finds that there was a breach of this standard and that the behaviour of Officer Z on this occasion, fell short of the standard that a reasonable member of the public would expect.

SERIOUSNESS

Culpability

In respect of culpability, the Panel find:

- (i) That the behaviour complained of was intentional and deliberate, although there were some workplace cultural factors which the Panel doesn't condone which contributed to Officer Z's behaviours.
- (ii) That the behaviour was targeted at one individual, Officer A, who was at this time his junior.
- (iii) That the risk of harm to Officer A was foreseeable by Officer Z.
- (iv) That this case involved sexual impropriety which is serious in itself but the Panel also noted that the actions could also serve to damage trust and confidence in policing.
- (v) That Officer Z was in a senior position in the organisation and in relation to Officer A at the time of the behaviour complained of, and that this increased the level of culpability, due to the imbalance in power as officer between Officer Z, who was more established, more experienced and often senior in position, to Officer A.

The Panel found the level of Culpability in this case to be Medium/High

Harm

Harm does not need to be suffered by a defined individual or group to undermine public confidence. The Panel have taken into account also the fact that an act of an officer can serve to harm public confidence and occasion reputational harm if the circumstances were known to the public in particular in cases of this nature.

The Panel found that there was clear evidence of impact on Officer A's personal and professional wellbeing and took note of the level of distress caused. A talked about how she

couldn't sleep or eat properly and didn't feel safe in her home and had to take some time off due to anxiety.

The Panel found that such behaviour as displayed by Officer Z could serve to harm public confidence and occasion reputational harm to policing, as a whole. The Panel noted that there is significant national public concern about cases involving sexual impropriety by officers at this time.

The Panel found the level of harm in this case to be Medium/High

Aggravating factors

- (i) The Panel found that there was evidence of malign intent, in this case, sexual gratification.
- (ii) That the behaviour continued after Officer Z should have realised that it was improper, especially in light of the fact that he was a senior officer who had received training in standards of professional behaviour.
- (iii) That the behaviour was targeted and deliberate.
- (iv) That there was an abuse of a position of trust – Officer Z was in a position of leadership responsibility and that there were certain expectations of him in respect of his actions as a role model.
- (v) That there is national concern in respect of such behaviour.
- (vi) There is evidence of a significant deviation from instructions, orders, policy and guidance.

That when taken as a whole, the level of aggravation in this case is Medium/High.

Mitigating factors

The Panel noted Officer Z's claims that he was undergoing personal challenges in relation to his mental health and stress at the time of the behaviour complained of. The Panel did not find that this amounted to significant mitigation.

The Panel indicated that whilst it had considered all of the sub-categories of mitigating factors as set out within the College of Policing Outcomes document, it did not feel that there were any other applicable mitigating features relevant in this case.

When taken together, the level of mitigation was Low.

The Panel determined that, for the above outlined reasons, it assessed the seriousness of Officer Z's actions as being within the **medium to high** range.

Misconduct or gross misconduct

Misconduct is defined in the Police (Conduct) Regs 2020 as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct means a breach of the standards that is so serious as to justify dismissal.

Having considered all the factors above the Panel finds that this is a case where a finding of GROSS MISCONDUCT is warranted.

Outcome

As above, as a Panel we found the level of culpability in this case to be medium/high, the level of harm to be medium/high, the level of aggravation to be medium/high and the level of mitigation to be low.

As a Panel we found that the behaviour in question in this case amounts to gross misconduct.

In reaching a decision on sanction we have been very conscious throughout of the purpose of the police misconduct regime which is threefold.

- to maintain public confidence in, and the reputation of, the police service
- to uphold high standards in policing and to deter misconduct
- to protect the public

It is not our role here today to punish the officer.

The Panel firstly considered whether a final written warning would be appropriate.

The Panel acknowledged that Officer Z is an officer of nine years' service who has contributed a significant amount in his relatively short career. We also acknowledged the number of character references that have been provided, and how highly people in policing speak of this officer. However, whilst of relevance, the guidance instructs us to afford limited weight to this personal mitigation.

The Panel does not accept that a member of the public would have viewed Officer Z's action as being acceptable or understandable. The Panel returned to the purposes of the regime and has decided it cannot fulfil its responsibility of maintaining public confidence and the reputation of policing and protecting the public via a final written warning.

The Panel is cognisant of the message that the outcome of such proceedings sends internally to the workforce and externally to our communities.

The role of the Panel is to maintain public confidence in, and the reputation of, the police service. The Panel must also uphold high standards, deter misconduct and protect the public. The Panel find that this can only be effectively and sustainably achieved via dismissal without notice. Any right-thinking member of the public would be extremely concerned if they heard about the way in which Officer Z sexually harassed a female officer, whom he was supervising, over a significant period of time, causing her distress. The sexual harassment of a work colleague over 11 days was abusive and oppressive. It caused significant harm to her and had the potential to harm the reputation of South Wales Police.

At the conclusion of the hearing the position regarding the interim anonymity granted in respect of Officer Z was reviewed.

The panel considered lengthy submissions made by Counsel representing Officer Z to the effect that there were cogent reasons for a continuation of the anonymity order. Counsel for the Appropriate Authority, addressed the panel and advised that the Appropriate Authority was neutral on the issue. The panel also had the benefit of taking Legal advice from the LQP.

The panel fully consulted the Home Office Guidance and recognised that the starting point was for open justice, but also that provision is made in the Guidance to depart from this general principle in a number of circumstances.

In this respect, supporting medical evidence and other evidence provided on behalf of the Officer Z was reviewed and after careful consideration and deliberations, the panel found that there was sufficient reasons to justify that the Order for Anonymity, previously granted, should remain in force.

The panel were persuaded that should the identity of the officer be revealed, the impact on him as a result of his already poor mental health had the potential to be devastating.

ACC Gilmer