

In the matter of the Police (Conduct) Regulations 2020
and in the matter of

Former Constable Graham Sumner

Decision of Chief Constable Watson

Preliminary matters

1. I have today conducted an accelerated misconduct hearing at Unit A, GMP Force Headquarters, and have given consideration to a breach of the standards of professional behaviour as pertains to former PC Graham Sumner.
2. Mr Sumner was not in attendance nor otherwise represented. The former officer has given no indication as to whether he accepts that he has breached the standards of professional behaviour namely: discreditable conduct, nor that the circumstances amount to gross misconduct. I, having considered the evidence, have determined that the breach alleged is proven and that the circumstances amount to gross misconduct. Mr Sumner resigned from the service on 17th October 2024.
3. In coming to a determination as to the most appropriate outcome, I have taken cognisance of the submissions of the appropriate authority as contained within the bundle of evidence submitted to me prior to this hearing, with elements of the same being amplified in invited verbal submissions by the representative of the appropriate authority, Mr Madgwick

4. In determining the appropriate outcome, I have had regard to the relevant provisions of the College of Policing's guidance on outcomes in misconduct hearings. I do recognise that it does not automatically follow that where breaches of the code of conduct are found to be so serious as to justify dismissal, that dismissal can be the only sanction implied. Nevertheless, it remains very powerfully the case that the principal objective in the conduct of these hearings must be to preserve public confidence in the police service.
5. In assessing the seriousness of the misconduct found, it is a matter of fact that Mr Sumner, was, on the 12th March 2024, convicted at Merseyside Magistrates Court of an offence contrary to Sec 5 (A) of the Road Traffic Act 1988; that is to say driving whilst under the influence of a drug. The circumstances surrounding his offending relate to his having been stopped in Trafford by GMP officers, on 25th August 2023, on the basis of a routine moving traffic offence. Once caused to stop, Mr Sumner attempted to flee the scene on foot and following a brief chase was detained. Having been subjected to the various police station procedures, a sample of blood was obtained for analysis. The subsequent analysis identified the presence of Benzoylecgonine (BZE) at levels of 77 micrograms per litre of blood. This is in excess of the legal limit of 50 micrograms per litre of blood. BZE is a cocaine breakdown product. Having been convicted, Mr Sumer was sentenced as follows:
 - a) Disqualified from driving for 12 months
 - b) Fined £625
 - c) Victim surcharge of £250
 - d) Costs of £120

Outcome

6. In considering the appropriate disciplinary action to be imposed, I received written and verbal submissions from the AA that the appropriate disciplinary outcome in this case, had the officer not resigned, would be dismissal without notice and the placing of his details onto the College of Policing's Barred List.

7. In determining the appropriate disciplinary action, I have had regard to the relevant provisions of the College of Policing's Guidance on Outcomes in Misconduct Proceedings.
8. At the forefront of my mind has been the purpose of misconduct proceedings – these are expressly set out in the College of Policing's Guidance.
9. My approach has been to "adopt" the "3 stage approach" also referred to in the College of Policing's Guidance.
10. I have assessed the seriousness of the conduct. I consider that Mr Sumner's culpability must be regarded as high. I am presented with incontrovertible evidence of the commission of a criminal offence namely, driving whilst impaired through the use of controlled drugs. His actions were deliberate and carried out in the full knowledge that his conduct was patently dangerous and unlawful.
11. With regard to the aggravating factors set out in the College of Policing's Guidance, I have already pointed to the fact that the misconduct was deliberate and unforced. By definition, the breach clearly implies a significant deviation from instruction. Not only is driving under the influence of drugs a criminal offence but the likely consequences for officers found to be using illicit drugs is widely understood within the Force. What must additionally weigh against the former officer is that he must have had recourse to interact with active criminals in order to procure the cocaine consumed. A police officer is expected to target active criminals, not to consort with them. The officers misguided attempt to evade the arresting officers by seeking to make off on foot similarly constitutes an aggravating feature in this case.
12. In respect of harm, I refer principally to the harm to the reputation and standing of the service. The former officer in choosing to drive whilst under the influence of drugs, clearly placed other road users in a position of unnecessary risk. Mr Sumner occupies a very particular strand of failure in that his conduct falls squarely into that which rightly causes a loss of trust amongst the public.

13. With regard to mitigating circumstances, of those set out in the College of Policing's Guidance, I have taken into account Mr Sumner's record of service. I am unable to find any mitigation in this case whatsoever.
14. I reiterate the point that the core purpose of these proceedings is to sustain public confidence in the police. As articulated above, there is no doubt that the facts of this case have the obvious potential to substantially diminish public confidence. In conclusion, I consider that the level of seriousness in this case is very high.
15. Mr Sumner's offending behaviour was clearly dangerous, unlawful, contrary to the clearest of instructions and must, as a precursor to his driving offence, necessarily have involved a casual and corrupting association with a person or persons actively engaged in criminality. What is clear to me is that this episode reflects behaviours which are simply incompatible with the responsibilities inherent in the office of constable. I am persuaded that nothing would outweigh the potential for the loss of confidence that would have ensued had Mr Sumner been permitted to continue to perform in the office of Constable. Had he not resigned, I would have had no hesitation in dismissing him from the service with immediate effect. The public and GMP are well served by Mr Sumner's departure.
16. I order that Mr Sumner's name be added to the College of Policing's Barred List.
17. This concludes today's hearing.



Stephen Watson QPM
Chief Constable

18th October 2024