

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

PC Ryan Gemmell

Decision of Chief Resources Officer Lee Rawlinson MBE

Preliminary matters

1. I have today conducted an accelerated misconduct hearing at Unit A, GMP Force Headquarters, and have given consideration to various breaches of the standards of professional behaviour as pertain to police constable Ryan Gemmell
2. The Appropriate Authority is represented by Mr Chris Wilkinson The Officer was in attendance and was accompanied by his federation representative Mr Ian Barker, and Counsel is Mr Julian King
3. PC Gemmell Acknowledges that on the 2nd December 2021 he accessed Police computer systems and undertook a search for records relating firstly to himself and then for his brother on the policeworks system also including accessing an intelligence record. It is alleged this behaviour breaches the standards of professional behaviour required by police officers namely breaches of Confidentiality, Orders and instructions and Discreditable conduct.
4. Those representing the interests of PC Gemmell have made representations that this hearing should be remitted to a Part 4 hearing. As confirmed during the opening of these proceedings, I am satisfied that the decision about remitting a case to a Part 4 hearing is one solely for the Appropriate Authority.
5. In determining whether it is appropriate for me to hear this case having heard the submissions along with the information in the bundle. It is agreed by both parties that PC Gemmell has interrogated GMPs PoliceWorks Systems. The officer accepts he has breached the standards but proffers that such actions amount only to misconduct and not to gross misconduct.
6. The College of Policing Outcomes on Guidance at paragraph 4.34 sets out that the misuse of police computer systems or confidential police information is a particular concern for the police service. Police computer and manual systems hold a significant amount of information about members of the public. Most of this is sensitive, and it

is both a public expectation and a legal requirement that information obtained during the course of policing duties should be treated in strictest confidence, properly protected and used only for legitimate policing purposes.

7. Section 4.35 of the guidance goes on to say that if an officer is accessing police information not available to the general public, there should always be a specific and proper policing purpose for doing so. In this case there is no policing purpose for Officer Gemmell to have accessed the system. By his own admission it was a huge error on his part.
8. I refer also to section 4.36 which confirms that accessing confidential police information without a legitimate purpose is an abuse of an officer's position.
9. The public place significant trust in police officers and that trust must be maintained as detailed in section 2.3 of the guidance that tells us that the purpose of police misconduct regime is threefold.
 1. To maintain public confidence in, and the reputation of, the police service.
 2. To uphold high standards in policing and to deter misconduct and
 3. To protect the public
10. Therefore the case of any officer accessing police systems without a legitimate purpose, even if that purpose is acknowledged as a mistake on their behalf, must be regarded as so serious it could justify dismissal. And as such I find that the officer has indeed breached the standards and the breaches amount to gross misconduct

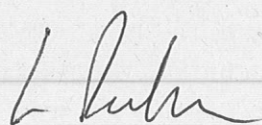
Outcome

11. In coming to a determination as to the most appropriate outcome, I have considered 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 presented in invited verbal submissions by the representative of the appropriate authority. I have also taken into consideration the submissions of the Officers representatives contained in the bundle of evidence accompanied by the verbal submissions given in the hearing.
12. 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.
13. 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 as previously stated.

14. My approach has been to "adopt" the "3 stage approach" also referred to in the College of Policing's Guidance.
15. I have assessed the seriousness of the conduct. I consider that PC Gemmell has accessed a confidential system for no legitimate policing reason. A fact the officer accepts. I do not accept that the officer states he had a legitimate policing purpose but can't recall what it was. It is more likely that his reasoning of wanting to ensure that the police system was working correctly is plausible however this is still not a legitimate policing purpose for accessing such data.
16. The College of Policing Guidance at paragraph 4.34 as previously mentioned sets out the serious nature of data protection and misuse.
17. In reaching a decision, I have considered specifically paragraph 4.37 of the guidance that provides details of factors that support a more serious outcome. I am satisfied that none of these factors listed at para 4.37 exist in this case. There was no accessing of any secret or highly sensitive information; no information was disclosed or forwarded on. I accept the officer's explanation for why he may have accessed the data and that it was not malicious and nor was it for personal gain, no police investigation was actually or potentially compromised, the data accessed was in large part already known to the officer and was not to my mind data that could be considered "very sensitive". The officer has not attempted to cover up the improper access and finally no information was altered.
18. With regards to Culpability the officer has admitted his actions were intentional and deliberate. I also take into account the officers very limited experience at the time of the offence.
19. With regards to harm I find that there is no harm to any specific individuals in this case however para 4.66 of the guidance covers the harm to public confidence in policing. I find in this case the harm to policing is significant as the public would rightly be seriously concerned to learn that a serving officer had been accessing systems without a legitimate policing reason to do so. As I have stated it is vital we maintain public trust in policing and officers should always think on their actions and how it may have the potential to harm public trust.
20. With regards to the aggravating factors set out in the College of Policing's Guidance, I find that in section 4.76 only the abuse of trust, position, powers or authority may be relevant in this case and none of the other factors in that section exist in this case.
21. As regards mitigating circumstances, of those set out in the College of Policing's Guidance, I acknowledge as stated by the officers representative that this is a single, short lived event as highlighted in para 4.81. equally the officer has accepted his actions immediately when it has been drawn to his attention. Lastly I accept the officers genuine apology to this hearing.

22. With regards to Personal mitigation I have taken into account PC Gemmells record of service and numerous character references supplied in this hearing.
23. 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 seriously and substantially diminish public confidence. In conclusion, I consider that the level of seriousness in this case is high.
24. PC Gemmells conduct in this matter was unacceptable. His unauthorised access to police data is a significant lapse of judgement. The officer had received sufficient information and instruction such that he should know that his actions were incorrect and unacceptable.
25. Actions like this bring his suitability to the office of constable into question. Whilst left with no option but to condemn his actions in the strongest terms; this case does have issues that differ from other cases of misconduct regarding data breaches in that it has risk at the lower end of the spectrum. A finding of gross misconduct implies that dismissal from the service might be justified. Having given this matter careful consideration; I have however determined that a lower penalty should be imposed and that so doing will not further damage public confidence in the police.
26. In coming to this decision it is accepted that this is an officer of good character, who understands the magnitude of this issue and the significance of his actions. I am satisfied he has learnt from this experience and this was an isolated incident and not the officers normal behaviour.
27. The risk to public in this case is low and a repeat of this behaviour is also deemed low however the officer should not underestimate the severe consequences that will follow should there be any further transgressions.
28. It is therefore my decision that PC Gemmell should receive a final written warning that should stand for 2 years to reflect the seriousness of this case.
29. I ask that PC Gemmell considers himself fortunate indeed that he has not received a more significant penalty and he reflect strongly on his actions and helps ensure neither he nor fellow officers undertake this type of behaviour in the future.
30. This concludes today's hearing.

24th February 2026



Lee Rawlinson MBE
Chief Resources Officer