

Misconduct panel decision Stage 1

This Panel has carefully considered all of the evidence concerning the conduct of PS Adam Dickinson and PC Paul Gilham arising from their attendance at an incident involving Person A on 19th May 2022.

In reaching its conclusions, the Panel has considered the Regulation 30 allegations, the investigation report, the incident logs, the body worn video footage, witness accounts, relevant force policies and procedures, the written and oral evidence of the Officers, and the written and oral submissions advanced by the Appropriate Authority.

The Panel reminds itself that the burden of proving misconduct rests with the Appropriate Authority and that the standard of proof is the balance of probabilities.

Overview of the Appropriate Authority's Case

The Appropriate Authority's case is, in essence, that Person A repeatedly disclosed serious allegations of assault, violence and matters indicative of domestic abuse, and that sufficient information was available to attending officers to require a different policing response from that which ultimately occurred.

It is contended that both Officers failed adequately to respond to those disclosures, failed appropriately to safeguard Person A, failed properly to record the incident and, by their actions and / or omissions, breached the Standards of Professional Behaviour relating to Duties and Responsibilities, Honesty and Integrity, and Discreditable Conduct.

In relation to PS Dickinson, the Panel notes that allegation 2(a) was withdrawn by the Appropriate Authority during the course of these proceedings. No finding is therefore required in respect of that allegation. The remaining allegations are denied by both officers.

The Panel's Approach to the Evidence

Before addressing the allegations individually, it is important to explain the Panel's approach to the evidence.

This case has generated a substantial body of material. The Panel has been careful not to approach the evidence by examining isolated extracts of body worn video footage, selected comments, individual incident log entries or discrete passages from witness accounts. Instead, the Panel has considered all of the evidence in the round. The Body worn footage was limited in time. The panel accepted that there were significant conversations and interactions with Person A, Person B and Person B's son before and after the period covered by the conversation recorded on the body worn video. Every piece of evidence has been assessed within its proper context and against the wider evidential picture.

The Panel has also reminded itself that policing decisions are frequently made in dynamic and evolving situations where information is incomplete, conflicting, rapidly changing and often obtained from several different sources simultaneously.

In that regard, the Panel has had particular regard to the College of Policing Risk Principles and, specifically, Risk Principle 4, namely that decisions should be judged by the quality of the decision making process at the time they were made, rather than primarily by reference to outcomes or information subsequently obtained. That principle has particular relevance in this case.

The Body Worn Video footage has been replayed repeatedly. It has been paused, rewound, transcribed and forensically analysed alongside incident logs, witness accounts, and policy documents. That exercise inevitably creates a fuller and more coherent picture than was available to any individual officer on the night concerned. The BWV was however only ever a snapshot, from one officers' device of the whole incident. It has not been considered as the full picture, of what was an incident that spanned in excess of 30 mins.

The Panel has therefore been careful not to judge the officers through the benefit of hindsight. The question before this Panel is not whether a different course of action could now be identified. The question is whether the decisions these officers actually made, based upon the information reasonably available to them at the time, were so deficient as to amount to misconduct.

Credibility and Reliability of the Officers

The Panel heard evidence from both Officers. We found both PS Dickinson and PC Gilham to be credible, reliable and honest witnesses. Each officer gave evidence in a straightforward, measured and candid manner. Neither sought to minimise their involvement or avoid difficult questions. Indeed, both officers readily accepted that, with hindsight, aspects of the incident may have benefited from improved communication and more comprehensive information sharing.

The Panel found no evidence of evasiveness, exaggeration or any attempt to reconstruct events so as to fit the evidence now available. Importantly, the officers' explanations were broadly consistent with the contemporaneous records and with the practical realities visible on the body worn video footage. The panel also found that the officer's evidence was consistent with the timings of the various logs, and with each other's accounts.

The Panel therefore accepts that the evidence given by both officers genuinely reflected their recollection, understanding and decision making at the time. This is a particularly important finding when considering the allegations relating to Honesty and Integrity. Such allegations are serious and require cogent evidence.

The panel took account of the character evidence provided, and the fact that neither of the officers had any previous findings of misconduct against them. However, the findings as will be outlined, would have been made, regardless of the character evidence.

The Incident

Having reviewed the body worn video footage and other evidence, the Panel is entirely satisfied that Person A was highly distressed throughout the encounter. She was emotional, upset, animated and visibly agitated. The panel took the view that the word irate could be reasonably used as a term to reflect or describe part of her demeanour that morning.

The footage demonstrates that she made several serious allegations, including assertions that she had been punched, dragged, beaten and assaulted by Person B. She repeatedly referred to injuries she said she had sustained and, on several occasions, described herself as having been "beaten". Those were clearly serious allegations and should not be understated.

However, the Panel is also satisfied that obtaining a coherent account from Person A presented significant difficulties. Throughout the encounter officers repeatedly attempted to establish basic information including where she lived, the nature of her relationship with Person B, how long she had been at the address and what had occurred. Many of those questions were not answered directly.

Person A frequently moved between topics, returned repeatedly to issues concerning her clothing and possessions, and often responded to direct questions with information unrelated to what had been asked. Whilst viewed calmly and retrospectively the overall narrative can now be assembled, that process is materially different from attempting to understand events as they unfolded in real time.

Of particular significance is the issue of the relationship between Person A and Person B. The evidence demonstrates that officers repeatedly sought clarification regarding the nature of that relationship. The evidence equally demonstrates that Person A repeatedly denied being in a relationship with Person B when directly asked.

The Panel readily accepts that victims of domestic abuse do not always accurately describe their circumstances and officers should remain alive to that possibility. Nevertheless, those repeated denials formed part of the information available to officers at the scene and are a relevant consideration when assessing the reasonableness of subsequent decision making.

The panel also accepted that the officers were entitled to view Person A's responses in the light the information they had been provided with prior to their attendance at the scene. There appears to be no dispute that they were not made aware that the address

had domestic violence markers attached, nor had they been made aware of the history of the parties involved.

The Collective Nature of the Response

A striking feature of this case is that no single officer was present for every significant exchange. Four officers attended the incident. Different officers obtained different pieces of information from Person A at different stages of the encounter. Some disclosures were heard by one officer, others by another, whilst some conversations occurred when particular officers were absent or engaged elsewhere.

The Panel notes that other attending officers, including PS Hudson and PC Hartley, are not present in these proceedings. The Panel does not criticise, or seek to question, decisions taken regarding the scope of misconduct proceedings. However, the evidence demonstrates that this was a collective response to a dynamic incident and not an incident managed solely by either of the Officers.

This point is important because the complete evidential picture now available emerges only after a detailed review of all footage, interviews, records and investigation material. The Panel is not satisfied that either Officer possessed that same complete picture at the time decisions were being made.

The Panel also considers it relevant that the assessment ultimately reached at the scene was not unique to either Officer. Whilst collective agreement does not establish that a conclusion is correct, it is relevant when considering whether the decisions made represented a departure from the standards expected of competent police officers.

Findings in Respect of PS Dickinson

The case against PS Dickinson is that he failed appropriately to investigate allegations of crime, failed adequately to safeguard Person A, incorrectly discounted a domestic abuse context, failed in his supervisory responsibilities and acted without honesty and integrity in relation to the incident record.

The Panel is not satisfied that those allegations are proved.

The evidence demonstrates that PS Dickinson made repeated attempts to engage with Person A and understand the circumstances. He asked numerous questions intended to establish the facts, sought clarification regarding her relationship with Person B, attempted to ascertain where she lived, and made repeated efforts to obtain a coherent account.

The Panel accepts that there were occasions where frustration is evident within those interactions, that is unsurprising. However, frustration is not misconduct. The Appropriate Authority submits that the information available should inevitably have led PS Dickinson to conclude that a domestic abuse incident had occurred and that

immediate enforcement action should have followed. The Panel does not accept that proposition. There were certainly indicators capable of supporting such a conclusion. Equally, however, there were competing considerations including repeated denials of a relationship, conflicting information, fragmented disclosures and difficulties obtaining a coherent narrative. A different officer may have reached a different conclusion. Indeed, with the benefit of hindsight and complete knowledge of all available evidence, different conclusions may well be available. That is not the test.

The question is whether PS Dickinson's assessment was so unreasonable or deficient as to amount to misconduct a breach of the standards of professional behaviour. The Panel is not satisfied that it was. Similarly, the Panel rejects any suggestion that no safeguarding occurred or that positive action was not taken. The evidence demonstrates that arrangements were made to remove Person A from the location and return her to a place of safety. Whilst it can properly be argued that additional safeguarding opportunities may have existed, safeguarding is not a binary concept and the existence of alternative options does not establish misconduct.

In relation to allegation 1(a) the panel accepted the submission that there was no mandated obligation to arrest and that the officers had a discretion as to whether to arrest. The test as to whether the officers should have made an arrest, as is alleged, involves much more than simply accepting the allegations made by Person A. The officer had a duty to consider the strength of the evidence, the inconsistencies of Person A's allegations, the lack of visible injuries to person A, the scene as they found it and the evidence of all other witnesses. The panel did not accept that PS Dickinson was duty bound to arrest Person B just because Person A had made allegations.

Neither did the panel accept that the officer had failed to take sufficient positive action to safeguard Person A. the panel found that the officer acted reasonably in taking her to her the place she described as home, with her Uncle, effectively, a place of safety.

In relation to allegation 1(b), the panel found that PS Dickinson was entitled to form the view, based upon the information he had been provided with and the scene that he witnessed, that the incident did not represent a domestic incident. The panel were not satisfied, on the balances of probabilities, that the officer was dutybound to make further enquiries. The panel accepted his evidence in relation to the purpose of the log entry, that he was not trying to negate a crime, and that he was outlining his genuinely held belief that there had been 'no domestic on this occasion'.

The panel also accepted that if there was an officer who should have carried out these enquiries, it was PC Hudson, but this is not a criticism of PS Hudson.

In relation to Honesty and Integrity, the panel found that allegation 2(b) is not made out. The Panel has not seen evidence of deliberate deception, fabrication, concealment or dishonesty considering the principles of the Ivey Supreme Court case ruling. The

strongest criticism that can legitimately be advanced is that the incident record did not fully capture all information which can now be identified from retrospective review. That is not evidence of dishonesty.

The Panel applied the test in Ivey. The panel found that the officer's log reflected his genuinely held belief that a domestic incident had not occurred. The panel found that belief to be reasonable at the time, in light of the information he had received and witnessed. As such it found that he did not make the entry dishonestly.

The panel also found, on the balance of probabilities, that a properly informed member of the public (or ordinary decent person), who had considered all of the evidence, and, in particular, the explanation provided by the officer, would not consider the log entry to have been dishonestly made, or to be dishonest in nature.

Having found all of the facts as outlined above, the panel found that the officer's conduct could not be considered as discreditable. The officer made decisions in relation to a fast moving incident. The panel accepted the officer's explanation for those decisions.

Accordingly, the allegations against PS Dickinson are not proved.

Findings in Respect of PC Gilham

The allegations against PC Gilham require separate consideration. The Panel accepts that PC Gilham was present for some of the disclosures made by Person A.

However, the evidence demonstrates that his role during the incident differed from that of other officers present. He was not the officer principally engaging with Person A throughout and his attention was, at times, divided between the incident and other operational matters. The panel found that PC Hartley was principally involved with the Person A, as shown on the video footage. The Panel accepts that he PC Gilham made enquiries of those present, sought to establish what had occurred and obtained information from several individuals which was not wholly consistent with aspects of Person A's later disclosures.

The Appropriate Authority contends that PC Gilham ignored or failed to act upon obvious allegations of criminal conduct. The Panel does not accept that characterisation.

The evidence demonstrates an evolving and confused situation rather than an officer deliberately disregarding clear allegations of crime. The panel accepted PC Gilham's evidence that he had spoken to Person A in the alleyway before the Body worn video was activated, and that Person A had told him that she had not been assaulted. The Panel has given particularly careful consideration to the incident log completed by PC Gilham. The Panel accepts that the log did not fully reflect the breadth and seriousness of all allegations made by Person A, that is a legitimate criticism which I will turn to shortly. The omission of matters which, viewed objectively, were significant and is regrettable.

As with PS Dickinson, the panel found that the panel accepted the submission that there was no mandated obligation for PC Gilham to arrest and that all of the officers present had a discretion as to whether to arrest. The test as to whether the officers should have made an arrest, as is alleged, involves much more than simply accepting the allegations made by Person A. PC Gilham also had a duty to consider the strength of the evidence, the inconsistencies of Person A's allegations, the scene as they found it and the evidence of all other witnesses. The panel did not accept that PC Gilham was duty bound to arrest Person B just because Person A had made allegations of assault.

Neither did the panel accept that the officer had failed to take sufficient positive action to safeguard Person A. The panel found that the officer had left the scene in the knowledge that PS Hudson and PS Dickinson were taking her to a place of safety.

The panel did find that PC Gilham should have logged a crime when drafting his log.

Given the importance that incident logs may subsequently assume for supervisory review, safeguarding decisions and investigative activity, greater detail should have been recorded. This observation applies generally to the recording undertaken by all four officers but particularly to the final update provided by PC Gilham.

The panel accepted that a major factor in the Officer's reporting was the failure of communication between the attending officers.

As such, the panel found that this represented a breach of the standard of professional conduct in relation to Duties and Responsibilities. Despite the officer's views on the situation, a crime had been alleged, and so should have been recorded.

However, the panel found that this failure, whilst regrettable, did not amount to misconduct. The panel accepted the officer's explanation that he had nothing to gain by failing to record the incident as a crime. The panel also accepted that the recording of a crime was essentially an administrative function. It was an error on the part of the officer. That does not make it misconduct. It was a breach of the Professional Standard, but the panel found that it was not so serious a breach as to amount to misconduct and the harm caused was minimal.

The Panel considers that significant allegations made by Person A ought properly to have been more fully reflected within the incident record. However, inadequacy of detail is not synonymous with dishonesty. The issue for the Panel is not whether the log was perfect, or even whether it met the standard we would ideally expect. The issue is whether it was knowingly false or dishonestly misleading. The Panel finds no evidence that it was.

Rather, the more likely explanation, and the explanation accepted by the Panel, is that the entry reflected PC Gilham's genuine understanding and recollection of events at the time it was completed. The Panel therefore rejects the allegation of a breach of Honesty and Integrity.

The Panel applied the test in Ivey. The panel found that the officer's log reflected his genuinely held belief that neither a crime nor domestic incident had not occurred. The panel found that belief to be reasonable at the time, in light of the information he had received and witnessed. In particular, the inconsistent evidence of Person B. As such it found that he did not make the entry dishonestly. He made an error in not recording the matter as a crime, but this did not make it dishonest.

The panel also found on the balance of probabilities, that a properly informed ordinary member of the public (or ordinary decent person), who had considered all of the evidence, and, in particular, the explanation provided by the officer, would not consider the log entry to have been dishonestly made, or to be dishonest in nature. The panel took the view that a properly informed member of the public would view this for what it was, an error.

The panel did not consider the officer's failure to report the matter as a domestic incident amount to a breach of the Standards. This was his genuinely formed view in light of what he had been told by Person A and by the information he had been provided with when attending the scene.

Having found all of the facts as outlined above, the panel found that the officer's conduct could not be considered as discreditable. The officer made decisions in relation to an incident at which 3 other officers had formed a similar view, that no arrest was necessary, and that it was not a domestic incident. The panel accepted PC Gilham's explanation for the decisions he made.

Communication, Information Sharing and Record Keeping

Although the allegations are not proved, this determination should not be interpreted as an endorsement of every aspect of the police response. The Panel has identified areas where the response could and should have been better.

The Panel's principal concern is not dishonesty, bad faith or wilful neglect of duty. Rather, it relates to communication, information sharing and the quality of the subsequent audit trail. The evidence demonstrates that different officers obtained different pieces of information from Person A throughout the encounter. However, there appears to have been no structured discussion before disposal of the incident through which that information was brought together, shared and collectively assessed.

As a consequence, no single officer appears to have possessed a complete understanding of everything disclosed by Person A during the attendance. The Panel considers that a collective review of the information obtained by each officer would likely have improved the assessment of risk, safeguarding considerations, crime recording decisions and the overall quality of decision making.

In reaching that conclusion, the Panel has had regard to the College of Policing Risk Principles. Risk Principle 4 reminds decision makers, and those scrutinising decisions, that officers should be judged by the quality of their decision making at the time rather than solely by subsequent outcomes. Equally, Risk Principle 8 recognises the importance of decisions being capable of explanation and justification. Proper recording is therefore not simply an administrative exercise; it is an important means by which risk assessments, safeguarding considerations and operational rationale can later be understood, reviewed and, where necessary, defended.

The Panel is also concerned by the quality of the subsequent record keeping. Whilst recognising the operational realities within which incident logs are often completed, and accepting that these records were created without the benefit of reviewing the body worn video footage, the Panel considers it regrettable that several significant allegations made by Person A were not more fully reflected within the incident log.

This observation applies to all four officers but particularly to the final incident update completed by PC Gilham. Given the significance often attached to incident logs for the purposes of supervision, safeguarding, crime recording and future investigation, the Panel considers that greater detail should have been recorded. A fuller account of the allegations being made by Person A would have better assisted subsequent review and understanding of the incident.

The panel did not accept the AA's submission that PS Hudson played a lesser part in this incident or that he had less responsibilities than PS Dickinson, and it did not accept that PC Hartley played a lesser part in this incident than PC Gilham. Notably, PS Hudson also had sight of the logs completed. In the panel's view, all 4 officers all played an equal part. It is of note, therefore, that the AA considered that neither of the other officers' conduct amounted to misconduct.

The Panel considers it important to distinguish between recording an allegation and accepting it as fact. An officer may legitimately harbour doubts regarding the reliability, credibility or evidential value of an account whilst nevertheless ensuring that the allegation itself is accurately recorded. The purpose of the incident log is to provide a fair and comprehensive record of significant information obtained during the attendance, not merely those matters ultimately accepted as true.

The College of Policing guidance emphasises the importance of maintaining a clear and comprehensive audit trail of decisions, actions and information obtained. Such records support accountability, safeguarding, organisational learning and the subsequent review of operational decision making.

The Panel therefore concludes that there are clear learning points arising from both the communication between officers and the quality of the recording which followed. However, the Panel's conclusion is that these shortcomings are properly characterised

as deficiencies in communication, collective information sharing and record keeping rather than evidence of dishonesty or misconduct. They are matters more appropriately addressed through reflection and professional learning than through disciplinary sanction.

Reflective Practice and Learning

The misconduct regime serves both an accountability function and a learning function. The Panel has considered carefully whether the concerns identified in this case are matters of misconduct or matters more appropriately addressed through professional reflection and learning. For the reasons already set out, the Panel is firmly of the view that they fall into the latter category.

The Panel notes that both officers candidly accepted in their evidence that lessons could be learned from the incident and acknowledged that communication and collective assessment of information could have been better. The Panel regards those acknowledgements as genuine and meaningful.

The Panel therefore considers reflective practice to be the appropriate response to the issues identified. In particular, both officers should reflect upon:

- The importance of structured information sharing between attending officers;
- Collective assessment of safeguarding and vulnerability information before incident disposal;
- The distinction between assessing credibility and accurately recording allegations;
- The importance of ensuring that significant disclosures are fully reflected in incident records; and communication strategies when dealing with vulnerable, distressed or traumatised individuals whose accounts may be fragmented or difficult to obtain.

These observations are made solely as learning points. They do not amount to findings of misconduct.

Conclusion

The Panel has seen no evidence of bad faith. The Panel has seen no evidence of dishonesty. The Panel has seen no evidence of deliberate disregard for the welfare of Person A. What the Panel has identified is a difficult and dynamic incident involving a highly distressed individual, fragmented information, shortcomings in communication and deficiencies in the subsequent recording of events.

Those shortcomings are matters which the Panel regards as regrettable and appropriate for reflective learning. They do not, however, cross the threshold into misconduct.

Having considered all of the evidence, the Panel is not satisfied on the balance of probabilities that any allegation remaining against either officer has been proved.

Findings

PS Adam Dickinson

Duties and Responsibilities: Allegations 1(a), 1(b) and 1(c) - Not Proven

Honesty and Integrity: Allegation 2(b) - Not Proven

Discreditable Conduct: Not Proven

(The Panel records that allegation 2(a) was withdrawn by the Appropriate Authority and no finding is therefore required in respect of that allegation.)

PC Paul Gilham

Duties and Responsibilities: Allegations 1(a) and 1(c) - Not proven. Allegation 1(b) - Proven - but did not amount to misconduct.

Honesty and Integrity: Allegations 2(a) and 2(b) - Not Proven

Discreditable Conduct: Not Proven

Outcome

The Panel finds that PS Adam Dickinson did not breach the Standards of Professional Behaviour as alleged. The Panel finds that PC Paul Gilham did not breach the Standards of Professional Behaviour of honesty and integrity and discreditable conduct as alleged. The Panel finds that PC Paul Gilham did breach the Standards of Professional Behaviour in relation to Duties and Responsibilities by not recording a crime but did not find that the breach amounted to misconduct or gross misconduct.

No finding of misconduct or gross misconduct is made against either officer. No disciplinary outcome follows.

The proceedings are therefore concluded