

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT)
REGULATIONS 2020 AS AMENDED BY THE POLICE (CONDUCT)(AMENDMENTS)
REGULATIONS 2024

BETWEEN

THE CHIEF CONSTABLE OF WEST MERCIA POLICE

The Appropriate Authority

And

TDC COUND

The officer

Hearing date 21ST to 23RD October 2025.

Chairs report giving reasons and findings

Summary of the case

At the misconduct hearing, the panel found a breach of the Professional Standards of Integrity and Orders and Instructions. The panel did not find a breach of the Professional Standards of Authority, Respect and Courtesy. The panel concluded that the breaches amounted to Gross Misconduct. TDC Cound was given a final written warning.

References

In this report:

‘The 2020 Regulations’ means the Police (Conduct) Regulations 2020 as amended by the Police (conduct)(amendments) Regulations 2024.

‘The 2020 Home Office Guidance’ and ‘the Home Office Guidance’ refers to the Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (issued under section 87 and 87A of the Police Act 1996 published on 5 February 2020).

‘The College of Policing Outcomes Guidance’ and ‘the outcomes guidance’ refers to the College of Policing Guidance on Outcomes in Police Misconduct Proceedings (issued under

section 87 the Police Act 1996) published on 17 August 2022 and updated (by having paragraphs numbers added) in March 2023.

Parties, representatives, panel members and other attendees

TDC Cound attended the misconduct hearing and is represented by Mr Kevin Baumber.

The AA is the Chief Constable of the West Mercia Police who is represented during the proceedings by Mr Stephen Morley.

The Chair is ACO Rachel Hartland-Lane.

The LQP is Mrs Jane Wilson.

The IPMs are Ms Gillian Seager and Ms Dawn Quick.

The Chair delegated the report writing to the LQP.

No Media attended the hearing.

No members of the public attended the hearing.

Publicity

In accordance with Regulation 36(2) of the 2020 Regulations, the AA published notice of the misconduct hearing on the West Mercia Police website.

Enquiries were made with the Professional Standards Department (PSD) to determine whether any member of the public including the media had requested to attend the hearing. A request had been made, but the person making the request did not attend the hearing.

Background to The Incident

TDC Cound was a trainee detective. She had to complete a portfolio showing relevant tasks had been completed. She was told that if she was submitting a reflective log (RL) relating to an interview with a suspect, then she had to be the lead interviewer. On two occasions she submitted reflective logs where she purported to be the lead interviewer when she was not.

On a separate occasion, she told DI Tennant that DC Robinson had lied in his statement. She then said that she would not spit on DC Robinson if he was on fire.

[REDACTED]

[REDACTED]

[REDACTED]

11.2



Standards of Professional Behaviour

The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020

Honesty and Integrity

“Police officers are honest, act with integrity and do not compromise or abuse their position.”

Authority, Respect and Courtesy

“Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.”

Orders and Instructions

“Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.”

The Allegations and Response

Allegations of Fact

1. You have been a police officer since April 2001.

2. Since 2017 you have been working towards becoming a detective. As part of this, you were required to complete your Detective Development Programme (“DDP”) portfolio by April 2024.

3. On 12 May 2023 you attended the initial induction with your Assessor, DC Wood. During this induction she explained, amongst other things, that work submitted as part of your portfolio must be your own work and you must be the lead officer for interviews which you submit. DC Wood provided you with a copy of the DDP portfolio which included the criteria and expectations, to assist you with completing your own portfolio.

4. On 16 December 2023 you added reflective log RL5 to your portfolio, in which you stated: “I conducted an audio recorded interview with the suspect. I gave initial disclosure to his Solicitor in relation to the offence that he had been arrested for. I completed an interview plan for myself in relation to the points to prove that I needed to cover in relation to the offence. I would always fully explain the interview process to every suspect, including making sure the caution is fully understood and the implication that would be implied should the matter go to court”

5. You did not lead this interview, did not give the disclosure to the solicitor, and did not include an interview plan with the submission.

6. You electronically signed and submitted this log on 16 January 2024 at 14:47, including the declaration: “I agree that the information provided here is an accurate account of what has taken place”.

7. On the 17 January 2024 your Assessor sent you a message stating: “Thanks you for submitting this RL. As I am conscious of the time scales you are working within, so I have prioritised the assessment. This RL details a suspect interview for a sexual offence with an adult male in June 2023. I have reviewed the crime and case, along with the Custody record. I have not been provided with the solicitor. I could see that this interview was conducted by two officers, one being a PIP2 qualified DC-so I hoped that perhaps they could provide a witness testimony for this interview. In order to being the assessment, I have obtained a copy of the interview recording via link from the tape librarian; but having started to listen to the interview I can hear [sic] have been the second inter [sic] to claim evidence, you must be the lead officer.”

8. On 18 December 2023 you added reflective log RL6 to your portfolio, in which you stated: “I conducted an audio recorded interview with one of the suspects of the fatal road collision. Prior to the interview I gave the Solicitor disclosure of the offence and the suspects involvement within the incident. The caution was explained to the suspect and his understanding ascertained”.

9. You did not lead this interview and did not give the disclosure to the solicitor.

10. You electronically signed and submitted this log on 7 February 2024 at 09:41, including the declaration: “I agree that the information provided here is an accurate account of what has taken place”.

Thursday 18 April 2024

On Thursday 18 April 2024 you worked at Redditch Police Station.

12. You sat in the main CID office area, along with DI Tennant.

13. You had a conversation with DI Tennant regarding your working arrangements and PSD interview.

14. During this conversation you accused a colleague of having lied.

15. You said words to the effect of “I wouldn’t spit on him if he was on fire”.

ALLEGATIONS OF MISCONDUCT

(1) Your said conduct as particularised at paragraphs [4] [6], [8] and [10] above breaches the Standards of Professional Behaviour of:

(A) Honesty and Integrity in that you knew or ought to have known that the information you submitted was not correct.

(B) Orders and Instructions in that you had been provided with instruction on two occasions as particularised at paragraphs [3] and [7] that the submissions had to be regarding interviews which you had led. You failed to follow these instructions.

(2) Your said conduct as particularised at paragraphs [14] and [15] above breaches the Standard of Professional Behaviour of Authority, Respect and Courtesy in that you failed to speak about your colleague with respect and courtesy.

Your said conduct amounts, individually and/or cumulatively, to gross misconduct.

Interview under caution 17th April 2024

TDC Cound said that she could recall the induction meeting (with DC Wood) in May 2023 when the One File system was explained to her. [REDACTED]

[REDACTED] A further meeting was held with DC Wood.

When she completed the reflective log (RL5 PE4) she looked at her daybook and could see that she was in an interview. She did not obtain the interview discs to check her role. She accepted that she was not the lead interviewer. [REDACTED]

Regarding the second submission she went through her daybook as she had done previously. She could not recall her role in the interview.

She did not dishonestly submit the reflective logs and genuinely thought she had done more in the interviews.

Response to the regulation 30 allegation

TDC Cound completed a Regulation 31 response on the 29th April 2024. She stated that she believed her submissions were accurate, but she accepts that she was mistaken. [REDACTED]

The second submission was similar to her first submission. Her notes gave the impression that she had the leading role. She accepts that she should have taken greater care and delved deeper into the underlying material before submitting it, but she denies any dishonesty in submitting the evidence.

She does not recall accusing DC Robinson of lying, but she accepts that she did stress the inaccuracy of his statement. She does not recall saying that she would not spit on DC Robinson if he was on fire but does accept that she was upset at the time.

Witnesses

DC Wood

DC Sarah Wood said that she has been a police officer for 23 years. In 2023 she became an assessor.

She explained that if a police officer chose to go into an investigator role, they had to sit the National Investigators Examination. Thereafter they would go on a course and then complete a portfolio demonstrating their relevant skills. The portfolio is uploaded to an electronic system called "One File". Each trainee detective is allocated an assessor who would explain what the portfolio entails and then assess the trainee detective's submissions. When the portfolio is completed to the correct standard, showing all the competencies, the trainee detective would become a qualified detective constable. There are 3 units to the portfolio: investigation, interviewing victims and witnesses and interviewing suspects. Three examples need to be provided for each unit. Officers needed to upload documents in relation to a violent crime, a sexual offence and one other crime.

Electronic and paper copies of instructions are provided to all trainee detectives explaining that the trainee needed to complete a reflective log and what product evidence was required to support the submission and in what form the product evidence was to be provided.

Where the submission related to the interviewing of a suspect, it was made clear that reflective logs should only be submitted where the trainee detective is the lead interviewer.

The trainee detective would create a document on The One File system. That document could be amended as often as the trainee detective thought necessary. At this stage, the assessor would be able to see the document as pending. Feedback is not generally given on pending documents. When the trainee detective deemed it to be complete, the trainee detective would tick a box confirming that the reflective log was an accurate account of what had taken place and at that point the reflective log would be sent to the assessor for checking against the criteria. Once satisfied that the reflective log and the product evidence are to the correct standard, the assessor will give the trainee detective the correct criteria and allow the trainee detective to progress.

Progress is targeted to allow officers to keep on track.

DC Wood stated that she was available to trainee detectives who were struggling with the process, and if officers appeared to be falling behind, she would normally email the trainee detective and if no response was received, she would then contact their supervisor. She stated that the evidence gathering came from the trainee detective's everyday work, but the portfolio did involve additional work in that the trainee detective had to write up why they had done a particular task. Trainee detectives were given 4 hours a month to work on their portfolio.

DC Wood was randomly allocated as the assessor for TDC Cound. An Investigative Skills development programme accreditation induction form was completed at the one-to-one meeting together with Special Assessment Requirements, Reasonable Adjustments and Special Consideration form. [REDACTED]

[REDACTED] DC Wood stated that this was noted on the form and it would not affect TDC Cound's ability to complete the portfolio. TDC Cound confirmed that she did not need any learning support and signed the endorsement to that effect. DC Wood stated that if TDC Cound had indicated that she had any medical conditions that would affect the completion of the portfolio, then these would have been endorsed on the form.

DC Wood made an entry on the One File system on the 12th May 2023 confirming the contents of the induction meeting and providing DC Wood's contact details should TDC Cound need to contact her if there were any changes. TDC Cound had to complete her portfolio by the 17th April 2024.

[REDACTED] TDC Cound then asked for a meeting with DC Wood as she needed to refresh her memory regarding how the One File system worked and that meeting took place on the 20th December 2023. DC Wood provided TDC Cound with a document guide as to how the One

File system was to be completed and at the end of the meeting, DC Wood was confident that TDC Cound knew how to upload to the One File system and what was expected of her.

On the 16th December 2023 and on the 18th December 2023, TDC Cound had uploaded pending documents. DC Wood said that she would imagine that they were discussed at the meeting, but she could not recall.

On the 17th January 2024, DC Wood reviewed RL5 (PE4) which had been started on the 16th December 2023. In the reflective log, TDC Cound stated that she had conducted the audio interview, given pre interview disclosure and completed an interview plan. However, the product evidence was not submitted. DC Wood obtained the recording of the interview and stated that she could hear that TDC Cound was not the lead interviewer and consequently could not authorise the submission.

Feedback was provided to TDC Cound, stating "To claim evidence, you must be the lead officer".

TDC Cound submitted RL6 on the 7th February 2024. This had been started on the 18th December 2023. In this submission, TDC Cound stated that she was the lead interviewer.

On the 12th February 2024, RL6, was checked. DC Wood obtained the tape of interview and ascertained that TDC Cound was not the lead interviewer. DC Wood advised TDC Cound that as she was not the lead interviewer the criteria could not be awarded.

DC Wood then advised her supervisor that TDC Cound was not the lead interviewer, and the matter was passed over to them. It was the second time that this had happened, and DC Wood believed it was clear to TDC Cound what was expected from her.

After the submission of RL6 PE6, there were 2 further submissions, but these related to voluntary interviews of suspects and DC Wood advised TDC Cound that only one voluntary interview could be submitted.

In cross examination, DC Wood stated that TDC Cound had submitted RL 2 and had been awarded some of the criteria.

RL3 was submitted with insufficient product evidence attached and so this had to be returned to TDC Cound. The initial submission was deficient, but it was later resubmitted with the correct product evidence, and the criteria was awarded.

PE 3 was submitted with limited product evidence.

DC Wood stated that she thought that there was a lack of thought and care in relation to TDC Cound's submissions, and she expected her submissions to be better.

DC Wood confirmed that she did not have a conversation with TDC Cound regarding TDC Cound's welfare or why her submissions were defective, but she did have concerns that TDC Cound was running out of time to complete the portfolio. Consequently, DC Wood contacted TDC Cound's supervisor expressing concerns. DC Wood did confirm that different officers approached submissions in different ways. Some officers selected all the competency criteria and DC Wood had to then sift the information to find what competencies were relevant, however all officers had to submit the product evidence for it to be checked.

DC Wood stated that the deadline for completion of the portfolio was April 2024. DC Wood said that there was a potential to apply for the deadline to be extended but any applications for extensions were dealt with by DC Wood's supervisor.

DC Wood accepted that there had been a conversation with TDC Cound regarding the lack of suitable and relevant crime coming into the department.

DC Wood confirmed that TDC Cound would have been told about the consequences of submitting inadequate information, in that if the product evidence was not provided, the criteria could not be awarded, and the portfolio could not progress.

The panel assessed DC Wood's evidence as being very credible. She was articulate and thorough in her approach. She demonstrated that she was supportive towards the trainee detectives that she assessed, going so far as to locate product evidence if it had not been submitted. She would sift the competencies to find the correct competency, and she came across as approachable.

DC Robinson

DC Robinson said that he had been with the police since 2009. He was currently in an acting detective sergeant role but said that in May 2023, he would have still been a trainee detective constable and therefore would have been trying to complete his own portfolio. He did not know TDC Cound in any personal capacity and had not known her for a particularly long time through work.

Regarding the crime that was the subject of submission RL5 (PE4), he said that he was the officer in the case, he had been investigating the matter and had collected the CCTV and spoken to witnesses. He believed that TDC Cound had been with him on one interview but had not been in the second interview.

He stated that the lead interviewer deals with the introduction, makes the plan, sets the tone for the interview and asks the majority of the questions. The second interviewer would take the notes. On occasions if the lead interviewer is not getting a response to questions, then the second interviewer may take over.

In cross examination, he accepted that he had provided a statement saying that TDC Cound had "not previously been involved in this investigation." He accepted that was an error as it was clear that TDC Cound had been involved in the taking of statements and making an arrest, but he had not been made aware of her involvement.

DI Tennant

DI Tennant had been in the police force for 28 years. He had known TDC Cound for a while and in April 2024 he was aware that TDC Cound was going through the accreditation process. He was also aware that she was under investigation by Professional Standards.

DI Tennant stated that he was in the office with TDC Cound and they were having what he described as a normal conversation. TDC Cound said that she was going to be interviewed by Professional Standards, and she said that she was aware that DC Robinson had made comments in his statement that were untrue, and that she would not be able to work with officers who gave evidence against her. She then said that she would not spit on DC Robinson if he was on fire.

DI Tennant did not challenge TDC Cound about this comment. He did not know what DC Robinson had allegedly said and he did not ask TDC Cound about it. He said that it was clear that there was some resentment towards the investigation by Professional Standards, but TDC Cound was not name calling or making threats. She was not out of control and DC Robinson was not present at the time of the conversation. He did discuss with his line manager if TDC Cound should move offices. DI Tennant said that he was aware that there was then a conversation with Professional Standards and DI Tennant was asked to provide a statement regarding the conversation.

TDC Cound

TDC Cound said that she joined the police force in April 2001. She had performed a variety of uniform roles, and she did not really have any interest in promotion. Initially she was

interested in CID, but things changed at home. She had increased responsibility for her parents, and her family became her priority.

She had previously started the portfolio process, but it was not online, and she could not remember all the details, but she knew that she had to submit competencies.

[REDACTED]

On her return to work, she submitted RL2, but she did not provide sufficient product evidence because she believed that she was rushing. She said that it was probably returned to her, but she could not recall.

She submitted PE4 but she did not provide the product evidence.

She did not provide the product evidence for PE5 but provided the reference number.

Regarding PE3, limited product evidence was provided, and she did not know why, but stated "If I am honest, I was not paying any attention".

Regarding PE6, she did not provide the product evidence when submitting it. She was not aware that any applications made after the submission of PE6 would not be progressing.

She then submitted a voluntary interview. She was not paying attention and did not know whether she could or could not provide more than one voluntary interview submission. She could not recall if she was told that she could not send a second voluntary interview. She did not dispute that she may have been told that. She said that her "mind was not on it". Her overall completion rate was below the expected rate of progress. [REDACTED]

[REDACTED] No one had asked her about the standard of her work. She accepted that if anyone had challenged her about the standard of her work, she would have said that she needed to step off the program.

Regarding submission RL5 (PE4), she said that she had a list of the competencies and then went through her daybook for the 6 months [REDACTED] She was looking for cases where she had been the interviewer that would fit the criteria she needed for her portfolio. The endorsement in her daybook showed the start and end time of an interview, which indicated to her that she had been involved in the interview. She relied on the notes. Her memory could not transport her back into the interview room.

She completed the reflective log and put in an incorrect age of the victim. This was because there was a lack of attention to detail. She acknowledged that certain sentences in the reflective log did not make any sense because she was not concentrating. She could not account for why she did not provide any product evidence and she did not gather the documents. [REDACTED]

[REDACTED] She was aware that if she had lied on the portfolio that the lie would be uncovered as she knew that DC Wood would listen to the recording of the interview. Her focus was on her parents.

As far as she was aware, the deadline was April 2024, and it was set in stone. She had been told that the deadline was approaching and that was extra pressure that she did not need to be subjected to.

On the 7th February 2024, she submitted PE6. Again, she had gone through her daybook. The submission was inaccurate. There were several mistakes in the reflective log. She did not obtain the audio interview and listen to it or check with other officers before making the submission. She acknowledged that her work was "sloppy" as it was not her focus.

She said that when she was made aware that DC Robinson said that she was not involved in investigating the crime that was the subject of PE6, and she was annoyed. She knew that

she had been involved in the taking of statements and arrest attempts. She said that she was stressed and not happy about being under investigation by Professional Standards and she recalled a conversation with DI Tennant. She does not recall what was said in that conversation, but she does not dispute that the evidence that DI Tennant gave was correct. DI Tennant did not say anything to her, and had she known that her comments were not appreciated by DI Tennant she would have apologised.

[REDACTED]

[REDACTED]

[REDACTED]

She was asked about her induction with DC Wood.

[REDACTED]

[REDACTED]

The portfolio was explained, and she was told what she had to submit. She knew the deadline was April 2024, and because she had had previous extensions, she believed that there was no possibility of another extension. She believed that if the portfolio was not completed by April that she would be reposted elsewhere, accepting that she would probably have gone back into uniform and she would have supported her parents.

She felt under pressure because she was getting "henpecked" by people in the office to complete the portfolio.

She denied that she was dishonest, saying that she was not bothered if she did not complete the portfolio by April 2024.

She agreed that submission RL5 (PE4) was "sloppy". She accepted that she had ticked the undertaking to say that the submission was an accurate account of what had happened, and accepted that was a mistake on her part. She was asked why she had signed the undertaking when she had not checked if it was correct and she stated that the box needed to be completed before the submission could be made. She denied that she was dishonest in ticking the undertaking. It was pointed out that the notes that she had relied on in her daybook, made no reference to pre interview disclosure or an interview plan and only had the start and end time of the interview and therefore the notes were no more than a guess. She said that because the solicitors name was in her book, she must have been present when disclosure was given.

Regarding RL6, she accepted that she had again completed the form to say that it was a correct account, but she did not check saying that she did not have the time. She did not do it dishonestly.

The AA stated that as a police officer, it was necessary for time to be found, and she replied, "You have to find the inclination".

[REDACTED]

The Issues to be Considered

The Standards of Professional Behaviour for all police officers are set out in the regulations and are expanded upon in the College of Policing Code of Ethics, which all officers are expected to adhere to.

The panel was reminded of the following:

The panel must not speculate about other matters such as other evidence it believes might be available, what it believes someone else might have said, or what it believes some other document, not in the bundle, might have said. If there are, in the panel's judgement, 'holes' or 'gaps' in the evidence, then that is a matter that the panel must consider in deciding whether the AA has proved the allegations it makes.

Misconduct' is defined as a breach of the Standard of Professional Behaviour that is so serious as to justify disciplinary action, and 'Gross Misconduct' is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

For an adverse finding against the officer, it is not necessary for every single fact/allegation made against her in the Regulation 30 Notice to be proved. It is sufficient to prove only some of the facts/allegations, so long as what is proved amounts to a breach of the standard (or one of the standards) identified in the Regulation 30 Notice.

The panel noted that it is the AA who brings these allegations - it is the AA, therefore, who must prove them.

This standard of proof is concerned with whether the panel is satisfied something has been proved on "the balance of probabilities", these are not criminal proceedings, and the panel does not need to be 'sure' of the matters founding any of the charges.

The starting and ending point of the panel's analysis of these allegations is the wording of the Regulation 30 Notice. Those are the matters the AA seeks to prove. The panel is only determining the allegations set out in the Regulation 30 Notice and nothing more.

The panel was advised that the authorities are clear that the concepts of dishonesty and want of integrity are separate and distinct.

The leading case on integrity is *Wingate, Evans and Malins v SRA* 2018 which states

Integrity is a broader concept than honesty

Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take an example a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the public in daily discourse.

The duty to act with integrity applies not only to what professional persons say, but also to what they do.

Obviously neither courts nor professional tribunals must set unrealistically high standards... The duty of integrity does not require professional people to be paragon of virtue. In every instance professional integrity is linked to the manner in which that particular profession professes to serve the public

The leading case on dishonesty is *Ivey v Genting Casinos (UK)* which says:

In deciding whether the officer was dishonest, the Panel must approach that question by taking the following approach:

Firstly - What did the officer actually know or believe at the time she did the matter that is said to be dishonest? In deciding that question, the Panel can consider the reasonableness or otherwise of what she says she knew or believed; it is not necessary, however, for that belief to be reasonable – an unreasonable belief is still a belief.

Secondly - Was the officer's conduct, in light of her knowledge/beliefs, honest or dishonest by the objective standards of ordinary decent people?

[REDACTED]

The panel took the following approach:

[REDACTED]

Thereafter-

- a. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA.
- b. Second, to determine if facts were found proved, whether they constituted one or more breach(es) of the relevant Standards.
- c. Third, to consider if any conduct is found proven against TDC Cound if that amounts to Misconduct or Gross Misconduct
- d. Fourth, if appropriate, to decide what the outcome should be.

The panels reasoning and decision.

TDC Cound accepted that she had a one-to-one meeting with DC Wood in December 2023 where it was explained how the portfolio was to be completed and what was expected of her.

[REDACTED]
[REDACTED] TDC Cound and DC Wood both believed that the portfolio had to be completed by April 2024.

TDC Cound accepted that she did not tell DC Wood or anyone else that she was struggling with the completion of the portfolio (apart from when she said that there was a lack of suitable work coming into the department).

[REDACTED]

TDC Cound accepts that she had written the reflective logs RL5 (PE4) and RL6 in such a way that would assist in meeting the competencies needed to complete her portfolio. TDC Cound accepted that she ticked the box confirming that what she was uploading was an accurate account of what had taken place. She also accepted in evidence that she was not sure if it was accurate or not. She was not sure if she was the lead interviewer or not. She was relying on notes that were made at least 6 months ago, and by her own admission she could not transport her memory back to the interview room. Nevertheless, she did not check the validity of her submissions against the tape of interview.

The panel accepted that she did have some involvement in the investigation of the offence relating to the reflective log RL6, in that she did take statements and was present when arrests were made, and she probably was present when pre interview disclosure was given, but she was not the lead interviewer.

When RL5 (PE4) was found to have incorrect information, this should have acted as a warning to TDC Cound that she could not rely the notes that she had made in her daybook, and it was essential that she check the product evidence before submitting further logs.

RL6 was submitted and there is no evidence that TDC Cound did any more than review the notes that she had made in her daybook. She again ticked the box saying that it was an accurate account of what had taken place, when again she was unsure if it was accurate.

Allegation 1

Honesty and Integrity in that you knew or ought to have known that the information you submitted (in RL5 (PE4) and RL6) was not correct.

On the balance of probabilities, the panel do not find a breach of the Professional Standard of Honesty to be proven. The panel do not find that there was evidence to show that she had deliberately sought to claim evidence that was not hers. She knew that the product evidence was going to be reviewed. The panel believe that she did not know if she had or had not been the lead interviewer.

On the balance of probabilities, the panel do find a breach of the Professional Standard of Integrity to be proven.

The panel acknowledge that honesty and integrity are separate and distinct and a lapse of integrity can fall short of a lapse of honesty.

The panel find that TDC Cound acted without integrity because she uploaded information that she knew may not be correct, despite ticking the box to say that it was an accurate account of events. She made no attempt to check the product evidence or raise any concerns with DC Wood about the accuracy of her submission.

The panel believe that this was a case where she did read her notes, but made no attempt to check the validity of her notes, despite accepting that she could not transport her memory back to the interview room.

TDC Cound went on to complete RL6 again without checking the product evidence

Allegation 2

Orders and Instructions in that you had been provided with instruction on two occasions as particularised at paragraphs [3] and [7] that the submissions had to be regarding interviews which you had led. You failed to follow these instructions

On the balance of probabilities, the panel found the breach of the Professional Standard of Orders and Instruction to be proven.

It was a policy that TDC Cound had to complete the portfolio to become a qualified detective constable. TDC Cound was told several times, orally and in writing, what she had to do and that product evidence had to be available to support the submission. She was told that if she was submitting an interview with a suspect that she had to be the lead interviewer. She did not follow the orders and instruction that she was given. After the meeting with DC Wood in December 2023, she did not reach out for additional assistance, other than to state that there was insufficient relevant work.

Allegation 3

Your said conduct as particularised at paragraphs [14] and [15] above breaches the Standard of Professional Behaviour of Authority, Respect and Courtesy in that you failed to speak about your colleague with respect and courtesy

On the balance of probabilities, the panel do not find there to be a breach of the Professional Standard of Authority, Respect and Courtesy.

The panel accept the evidence of DC Robinson and DI Tennant in this regard.

However, it is clear that DC Robinson had made a mistake in his statement when he said that TDC Cound was not involved in the investigation of RL6.

TDC Cound believed this to show that he was untruthful when the panel accepted that it was just an error on his part.

DI Tennant did not believe that it was necessary to challenge TDC Cound about the comments that she had made or report the matter, other than to discuss a potential move of office. He accepted that no threats were made and it was a case of venting her frustration. Whilst the panel do not condone the use of the words, they do not believe that it is a breach of Authority, Respect or Courtesy.

Character evidence

The panel had been provided with a bundle of character statements which they had read and reminded themselves that TDC Cound had no previous misconduct findings recorded against her.

The panel found that in the present case the character statements were not relevant as the allegation of dishonesty has not been proven. The panel noted that in relation to the Professional Standard of Integrity, TDC Cound had accepted that she had submitted the reflective logs without checking the contents were accurate.

Misconduct or Gross Misconduct.

The panel reminded itself that 'Misconduct' is defined as a breach of the Standard of Professional Behaviour that is so serious as to justify disciplinary action, and 'Gross Misconduct' is defined as a breach of the Standard of Professional Behaviour that is so serious as to justify dismissal.

The panel concluded that TDC Cound's behaviour amounted to Gross Misconduct.

The allegations found proven, if taken individually or collectively are so serious as to justify dismissal.

It is clear that all officers should act with integrity. TDC Cound was given the benefit of the doubt after the submission of RL5 (PE4). She should have been on notice at that point that all work had to be correctly uploaded. She continued to upload RL6, and despite knowing that she could not rely on her notes, she did not check whether the information was correct.

Equality act provisions

[REDACTED]

TDC Cound asserts [REDACTED] by virtue of the Equality Act 2010 it would be unlawful to pursue the misconduct proceedings or alternatively, that it would be unlawful for the proceedings to result in her dismissal and that a reasonable adjustment should be made to ensure that this does not occur

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In the meeting with DC Wood in May 2023, TDC Countd [REDACTED]
[REDACTED] stated that there were no learning issues. A document was signed by TDC Countd

to this effect.

The Panel noted the unreported decision of Rachel Crasnow QC involving the Chief Constable of West Yorkshire, and have reminded itself of some of the key passages within it:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

TDC Cound admits that she uploaded the reflective log RL5 (PE4) and RL6 to the One File system. She says that this was done with no dishonest intent and it was a mistake on her part. She believed that she was the lead interviewer when she was not. [REDACTED]

[REDACTED] She accepted that she did not recall the interviews. She accepted that she did not check the validity of the information that she was uploading. She did not listen to the recording of the interview. She said that when uploading the reflective logs she was not paying attention, rushing and not concentrating. She acknowledged that her work was sloppy as it was not her focus and she did not give work her full attention as she was focused on her parents. She was not happy with her submissions because she was only doing half a job and she would have had to find the inclination to check her work. She accepted that she was not paying any attention when she ticked the box saying it was an accurate account of events. She did not know if it was accurate or not. She made no attempt to check the product evidence to make sure that it accorded with her notes and ticked the box because it was the only way to make the submission go.

TDC Cound said that she needed to rely on notes. She did rely on her notes when she was making her submissions but did not check her notes were correct. The panel believe that this is a case where TDC Cound uploaded information not caring whether the information was correct or not, because she was focused on her parents and not her employment. She said that she was not inclined to check the information. [REDACTED]

Sanction

The panel heard submissions on sanctions from both the representative for the AA and TDC Cound's representative.

The panel considered the Guidance on Outcomes in Police Misconduct Hearings, and the panel bore this in mind in its deliberations.

The panel had sight of, and took into account TDC Cound's service record, noting that she had no previous findings of misconduct recorded against her.

The panel adopted the three-stage process as outlined in the College of Policing 's Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

The first stage is to assess the seriousness of the conduct.

This is assessed by reference to

- a. The officer's culpability
- b. The harm caused by the misconduct
- c. The existence of aggravating features
- d. The existence of mitigating features

The panel bore in mind the threefold purposes of the police misconduct regime namely:

- (a) Maintain public confidence in and the reputation of the police service
- (b) Uphold high standards in policing and deter misconduct
- (c) Protect the public

The panel noted the College of Policing Guidance on Police Conduct Hearings reminds the panel must look at the appropriateness of the least onerous sanction before going on to consider more onerous sanctions and always chose the least severe outcome that deals adequately with the issues identified whilst protecting the public interest. If an outcome is necessary to satisfy the purpose of the proceedings impose it even where this would lead to difficulties for the individual officer.

The panel first considered the seriousness of the proven allegations.

Culpability

In relation to culpability the panel accepted that TDC Cound intentionally created the reflective log on the One File system, but it did not believe that she deliberately intended to mislead when creating it.

By virtue of being a police officer TDC Cound is in a position of trust and responsibility, but she is not of elevated rank, and no particular person was impacted by the misconduct. The panel did not believe that TDC Cound would reasonably have foreseen the risk of reputational harm. The panel believed that TDC Cound would only have foreseen harm in relation to her own personal career development.

The panel concluded that TDC Count's level of culpability was medium

Harm

The panel referred itself to The College of Policing Guidance on Outcomes in Misconduct Proceedings which states where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims

The panel concluded that there was a potential for public confidence to be harmed if the circumstances were to be made known to the public, however they concluded that the officer's behaviour would be perceived as being related to the officer's career development and not to any operational matter or investigation.

The panel concluded that the degree of harm was medium.

Aggravating features

The panel was mindful not to double count matters that have already formed part of its assessment of harm and culpability.

The panel found that there were no aggravating features.

Mitigating features

[REDACTED]

The panel noted that TDC Count had several changes of line supervisors between December 2023 and 2024, which could have affected the level of support that she was receiving both personally and professionally.

The panel found that there were mitigating factors.

Taking all these matters into consideration, the panel assessed the seriousness of the officers conduct as being medium.

Personal mitigation

The panel noted that TDC Count was of long service and good conduct. She is an experienced officer having undertaken a variety of roles in uniform and as a detective.

The panel reminded itself of the 3-stage purpose of the Police Misconduct Regime when carefully considering the appropriate outcome in this case.

The panel reminded itself that the police misconduct regime is not designed to punish officers but is about the reputation and standing of the profession as a whole.

The College of Policing Guidance on Outcomes in Police Misconduct Proceedings reminds that the panel must consider the appropriateness of the least onerous sanction before going on to consider the more onerous sanctions and always chose the least severe outcome that deals adequately with the issues identified whilst protecting the public interest.

If an outcome is necessary to satisfy the purposes of the proceedings it should be imposed where this would lead to difficulties for the officer.

Sanction

The panel considered whether a final written warning would be consistent with the public interest.

The panel concluded that a final written warning was proportionate with the level of seriousness in this matter.

The Panel found that this disciplinary action is justified because of the need to protect the public and other members of the police service, to maintain public confidence in the police service, and uphold proper professional standards. The Panel took the view that a final written warning would be proportionate, both as an appropriate means of achieving a legitimate aim, and a reasonably necessary means of doing so in view of its findings.

The final written warning should be for 5 years. This is because the panel regarded a police officer's lack of integrity as being a serious matter. The public would have an expectation that police officers are uploading only information that is correct and the validity of that information had been checked.

