IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

Former DC 3828 Davis

DECISION OF THE PANEL

1)It is alleged that Former DC Davis has breached the Standards of Professional Behaviour as set out in the notice in the following terms: -

<u>Alleged Conduct</u>

1. At the relevant times he was a police constable serving with West Mercia Constabulary.

2. Accordingly, he was or should have been aware of the following:

a. The Authorised Professional Practice on Vetting, paragraph 4.8 entitled “Expectations of Police Personnel and Volunteers”:

I. Subparagraph 4.8.1 which provides “To ensure adherence to the Code of Ethics and Standards of Professional Behaviour, all members of the policing profession must act with the highest levels of integrity. They should, therefore, disclose all relevant information during the vetting process and throughout the lifetime of the vetting clearance. The individual’s honesty and integrity will be questioned if information is purposely withheld. Potential vulnerabilities are likely to be identified as a result. Where they freely disclose such material during the vetting process, any potential vulnerability may be mitigated”.
ii. subparagraph 4.8.2 which provides “… changes in an individual’s circumstances must be reported to the appropriate vetting authority as soon as possible after the change has occurred”.

Financial situation prior to leaving the UK for Qatar

3. In or about 2006 he was made subject to an Involuntary Debt Arrangement (IVA). He knew this.

4. Once this had concluded in around 2011 his financial situation remained of concern to West Mercia Police such that he was invited to an intervention meeting. He knew this.

5. Thereafter in early October 2016 Mr S, a landlord from whom he had rented Holly House, Shucknall, Hertfordshire and in respect of whom he was in rent arrears, attended at Hereford police station in order to serve him with an order for possession in respect of those rent arrears. At the material time he was in Qatar. He was contacted by DS Kirsty Smith, his then line manager to whom he reported he was aware of the order and was in

communication with Mr S. He was agreeing to pay some or all of the debt by the due date of 18 October 2016.

6. As a result of the matters set out immediately above, he was or should have been aware he had been subject to an order for possession.

7. Further and / or alternatively he was aware or should have been aware of the need to know about and / or be in control of his financial situation. Further and / or alternatively, he was or should have been aware that he retained personal responsibility for the management of his finances.

Financial situation during career break in Qatar

8. On 1 January 2017 he commenced a career break in Qatar.

9. On 13 September 2017 a County Court Judgement (CCJ) (D8QZ9R3N) was entered by Northampton County Court in his name. This was for a sum of £5,507, payable to Advantage Finance Ltd and was in relation to a defaulted hire purchase agreement. An attachment of earnings order was granted in respect of this CCJ. This was later adjourned generally with liberty to restore.

10. At around this time and more specifically in or around November 2017, County Court bailiffs then attended upon his mother in law's home address (XXXXX, Roman Road, Hereford) and were informed he was in the Middle East. He was or should have been so aware.

Return from Qatar and vetting

11. DC Davis returned early from Qatar in December 2019 and wished to resume his duties with West Mercia Police. In order to do so he had to be re-vetted.

12. On 29 December 2019 he completed a Recruitment Vetting Form.

13. On page 8 of the application form he was asked to answer several financial questions. He was asked: in the last 10 years have you been made aware that an account had ever been defaulted? He answered no. He was asked: in the last 10 years have you been subject of a CCJ? He answered no. He was asked: in the last 10 years have you been the subject of an attachment order? He answered no. He was asked: in the last 10 years have you had repossession proceedings begun against you? He answered no. He was asked: In the last 10 years have you been party to an involuntary debt arrangement (IVA)? He answered no. These answers were incorrect, and, by his full admissions of the facts, former DC Davis knew this to be the case.

14. He was asked for any further relevant details, and he provided the following information and / or assurances: "I have been out of the UK since December 2016 & all credit agreements were then in hand. Subsequently upon my return to the UK, I will register myself on the electoral role (sic) & obtain an updated credit report. Due to financial

difficulties over 10 years ago, I do understand that my credit file will show some adverse credit history".

15. For the avoidance of doubt, he knowingly falsely asserted that at his time of leaving the UK all credit agreements were in hand. He asserted and / or undertook to obtain an updated credit report, which he did not until much later. He falsely asserted his financial difficulties were over 10 years ago, when in fact they were current and in existence prior to his departure from Qatar.

16. He made no mention of the defaulted accounts, the possession order or the attachment of earnings order in respect of the CCJ D8QZ9R3N, or the CCJ D8QZ9R3N itself.

17. Notwithstanding the above, on page 10 of the application form he signed a declaration that stated, inter alia, I declare that the information I have given is true and completed to the best of my knowledge and belief and dated this 29 December 2019.

18. Accordingly, he failed to disclose on the Recruitment Vetting Form that he had accounts in default and / or he had been subject to a possession order and / or an attachment of earnings order and / or a CCJ. For the avoidance of doubt this is information he either knew or should have known.

19. Further or alternatively, he knowingly provided false assurances in respect of his intention to obtain an up-to-date credit report, the state of his finances at his point of departure for Qatar and / or his financial history more generally.

20. On 6 March 2020 the Vetting Unit advised that he was granted conditional vetting clearance, conditional upon making payments to reduce his and being subject to a review in six months' time. He knew and understood the conditions attached to his re-vetting. In an email to the vetting unit of the same date he undertook to prioritise his finances.

First vetting review

21. In September 2020, a review of his financial situation identified CCJ D8QZ9R3N and 9 default accounts. From that review none of the previously identified defaults had received any payment since his vetting to come back into the force. He knew or should have been aware of his debts.

22. On 27 September 2020 he completed a Recruitment Vetting Form.

23. On section 7 of the application form he was asked to answer several financial questions. He was asked: have you been made aware that an account had ever been defaulted? He answered no. He was asked: have you been subject of a CCJ? He answered no. He was asked: have you been the subject of an attachment order? He answered no. He was asked: have you been party to an involuntary debt arrangement (IVA)? He answered no but went on to state that he did have an IVA which ended in 2010.

24. For the avoidance of doubt, he made no mention of either the defaulted accounts or the possession order, or the attachment of earnings order in respect of the CCJ D8QZ9R3N, or the CCJ D8QZ9R3N itself.

25. Notwithstanding the above, on section 9 of the application form he signed a declaration that stated inter alia, I declare that the information I have given is true and completed to the best of my knowledge and belief and dated this 27 September 2020.

26. Accordingly, he failed to disclose on the Recruitment Vetting Form that he had accounts in default and / or had been subject to a possession order and / or an attachment of earnings order and / or a CCJ. For the avoidance of doubt this is information he either knew or should have known.

27. On 23 November 2020, a further CCJ (refence no. G8CD1Q94) was entered by Northampton County Court in his name. This was for a sum of £773. It was in relation to a mail order account. He knew or should have been aware of the same.

Second Vetting Review

28. On 27 January 2021, he was interviewed by a case officer, Mr Waterhouse, from within the Vetting Unit over the telephone. He stated that he and his wife had “just been accepted for a mortgage”. Following the interview, he tasked his wife with writing to Mr Waterhouse. In her email which he forwarded to Mr Waterhouse she claimed that former Dc Davis and herself had a “… mortgage agreed in principle”. To date he has failed to provide any evidence of either a mortgage or a mortgage agreed in principle in or around January 2021. He knew or should have known there was no mortgage agreed or in principle at around this time.

29. He was granted conditional vetting for a second time, conditional upon him making payments to reduce his defaults, addressing the CCJ and being subject to a review in six months’ time. He knew and understood the condition(s) attached to his re-vetting.

30. On 28 January 2021 a review of his financial situation identified two CCJs (D8QZ9R3N and G8CD1Q94) and eight default accounts, none of which had received payment in 12 months. He knew or should have known that.

31. Accordingly, he failed during his vetting interview to disclose the full extent of his defaults. He further knowingly misrepresented the situation regarding the existence of a mortgage.

32. On 3 February 2021 he was emailed by the Vetting Unit who highlighted the two CCJs (D8QZ9R3N and G8CD1Q94) which triggered a decision to bring forward his conditional vetting review from six to three months. He was reminded of the personal responsibility he had as a police officer in respect of managing his finances. He responded, inter alia, that “… My finances are well managed, and I take full responsibility …”.

33. On 2 July 2021 CCJ G8CD1Q94 was satisfied.

34. On 29 July 2021, a further CCJ (reference no. H2KF24J3) was entered by Northampton County Court in his name. This was for a sum of £321. It was in relation to a parking charge. He knew or should have known that.

Third Vetting Review

35. On 5 August 2021, he was subject to a further vetting review. He emailed the vetting case officer the following day stating that “everything is now completed” and undertook to provide proof of the same. On 18 August 2021 he provided a letter to the Vetting Unit dated 16 July 2021 from Mortimer Clark Solicitors confirming satisfaction of CCJ G8CD1Q94. Nothing was said in relation to the CCJ D8QZ9R3N or H2KF24J3. On 1 September 2021, he was contacted by a case officer of the Vetting Unit about CCJ H2KF24J3. On 6 September 2021 he responded that this CCJ H2KF24J3 remained outstanding. He made no reference to CCJ D8QZ9R3N. Accordingly he misrepresented the status of his CCJs in his communication on 5 August 2021.

36. Additionally in his 6 September 2021 email he stated to the Vetting Unit case officer that he had “… purchased a house …”. This was not true at the material time. Accordingly, he misrepresented the situation in that communication.

37. On 25 October 2021, CCJ D8QZ9R3N for £5,507 was satisfied.

38. On 28 October 2021 a review of his financial situation identified three CCJs (D8QZ9R3N (not yet showing as satisfied), G8CD1Q94 (showing as satisfied) and H2KF24J3) and four default accounts, none of which had received payment in 12 months. He knew or should have known that. The other four default accounts which had shown previously had not been paid off rather they had been removed from his credit report due to the passage of time for which they had been in default.

39. On 1 November 2021 an update was requested from him. On 10 November 2021 he responded, “All is now finalised & we settled in full at the end of last month…”. Later on the same day he emailed “All CCJs have been cleared and the most recent one you mentioned has been cleared”. For the avoidance of doubt CCJ H2KF24J3 remained outstanding and he knew or should have known. Accordingly, he misrepresented the situation in that communication.

Interview with the Vetting Unit

40. On 26 January 2022 he attended a vetting interview. He claimed he had a mortgage in principle. At the conclusion of which he was required to produce documentation in respect of his various claims regarding his mortgage and the settlement of the remaining CCJ.

41. On 28 January 2022 in said satisfaction of the documents he was obliged to produce he produced unsigned and undated consent to credit searches, GDPR consent form, and terms of business form. None of the documents provided accorded with his claims at interview. In

this correspondence he also claimed he was going to be paying, not challenging, the remaining CCJ.

42. On 29 March 2022 he provided signed signature pages from the three documents initially provided on 28 January 2022, all signed on 23 March 2022, post-dating the interview on 26 January 2022, and further documents suggesting that rather than having cleared CCJ H2KF24J3 he was now challenging the same. Accordingly, he misrepresented the situation during his earlier interview and email dated 28 January 2022

Allegations

43. As a result of his actions, the appropriate authority will contend he has breached the following Standards of Professional Behaviour:

a. Honesty and Integrity in that he:

i. Knowingly providing false assurances in respect of his intention to obtain an up-to-date credit report, the state of his finances at his point of departure for Qatar and / or his financial history more generally when he returned from Qatar in or about December 2019 / January 2020;

ii. Knowingly made a false, misleading or inaccurate written statement in failing to disclose he had accounts in default and / or had been made subject to a CCJ and / or had been made subject to a possession order and / or had been made subject to an attachment of earnings order on his West Mercia Police Recruitment Vetting form(s);

iii. Knowingly made a false, misleading or inaccurate oral statement in failing to disclose the extent of accounts which were in default and / or claiming to have mortgage and / or a mortgage in principle during his West Mercia Police Vetting Interview on 27 January 2021;

iv. Knowingly made a false, misleading or inaccurate written statement in failing to disclose the true and accurate status of the CCJs made against him in his email communication with the vetting unit in August 2021;

v. Knowingly made a false, misleading or inaccurate written statement in failing to disclose the true and accurate status of the CCJs made against him in his email communication with the vetting unit in November 2021;

vi. Knowingly made a false, misleading or inaccurate oral statement in failing to disclose the true and accurate status of the CCJs made against him and / or the existence of a mortgage and / or mortgage in principle during his West Mercia Police vetting interview on 26 January 2022

b. Honesty and Integrity (integrity only) and / or Orders and Instructions in that he:

i. Failed to ensure the accuracy of his answers on his West Mercia Police Recruitment Vetting forms dated 29 December 2019 and / or 27 September 2020;

ii. Failed to ensure the accuracy of his answers during his Vetting Interview on 27 January 2021;

iii. Failed to ensure the accuracy of his answers in his emails with the vetting unit in August 2021 or at all;

iv. Failed to ensure the accuracy of his answers in his emails with the vetting unit in November 2021 or at all;

v. Failed to ensure the accuracy of his answers during his Vetting Interview on 26 January 2022.

c. Discreditable conduct in respect of all the above.

44. As a result of that stated herein, a decision has been taken that the alleged breaches, if proven, singularly or in totality amount to gross misconduct and will be considered by way of a MISCONDUCT HEARING.

2)Representation
Throughout the hearing the Appropriate Authority ('AA') has been represented by Ms Briony Ballard of Counsel.
The Panel would like to thank Counsel for the quality of their submissions in this case.

3)The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020 and within the Home Office Guidance of 2020:

a. Honesty and Integrity
Police officers are honest, act with integrity and do not compromise or abuse their position.

b. 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.

c. Discreditable Conduct
Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.
Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

d. The Panel additionally considered the appropriate paragraphs pertaining to the Standards as set out in the Home Office Guidance and the Code of Ethics, to which the Guidance refers.

4) Preliminary Issues
Prior to the hearing the Chair made the following directions:
(a) That no witnesses were required to attend and give oral evidence
(b) That the hearing be in public
(c) That Notice of the hearing be published.

5)The Absence of the Officer

a. Counsel for the AA applied to proceed under Regulation 37(3)(b).

b. The Panel were satisfied that the Officer was aware of the proceedings against him. He

was a serving police officer when these matters came to the attention of the AA and when served with notice of investigation. He has received both the Regulation 17 and Regulation 30 Notices and has responded to the allegations via Regulation 31, the contents of which the Panel have noted.
Former DC Davis resigned from West Mercia Police in advance of the hearing, his last day of service being the 6th of February 2024.
The Panel were satisfied that the former officer had been made aware of the date of this Hearing and considered that it was both in the interests of justice and in the public interest for the Hearing to proceed with and conclude in the absence of the Officer.

The former Officer provisions will apply.

6)Response to the Allegations

In his Regulation 31 Response, former DC Davis admitted that his conduct, taken together, amounts to Gross Misconduct and he accepted breaching the Standards of Professional Behaviour as alleged.
In relation to the specific allegations, DC Davis accepts the factual assertions.

7)The Panel's Approach

a. These proceedings are brought under the Police (Conduct) Regulations 2020.

b. The Panel determined that it was required to consider all the allegations and facts and make findings as to whether: -

-the facts are proven on the balance of probabilities
-which standards of professional behaviour might be engaged
-whether the conduct amounts to misconduct or gross misconduct or neither.

c. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout, and that the standard of proof is the balance of probability, namely what is more likely than not.

d. The Panel also reminded itself of paragraph 11.107 from the 2020 Home Office Guidance: It will be for the chair of the hearing to determine the course of the hearing in accordance with the principles of natural justice and fairness.

The overriding concern of the proceedings is fairness – to the officer concerned and to the AA (which may be said to represent the public interest).

e. In Redgrave v Commissioner of Police of the Metropolis [2003] EWCA Civ 4, Simon Brown LJ made clear that the "character and purpose" of professional regulatory proceedings was "entirely different" to that of criminal proceedings. Rather, the purpose of professional disciplinary proceedings is "to protect the public .... and to maintain the high standards and good reputation" of the profession. Simon Brown LJ explained that "the material before the disciplinary tribunal is likely to be different: in part because different rules of evidence are likely to apply and in part because judicial discretions may well be differently exercised – generally less strictly in the disciplinary context where at least the accused's liberty is not at stake.

8) The Facts

In our deliberations, we make it plain that the Panel reviewed and considered the entirety of the facts and evidence presented to us.
We considered at length the submissions made on behalf of the AA and the Regulation 31 Response provided by Former DC Davis.

7)Background

Former DC 3820 Richard DAVIS joined West Mercia Police in November 2002. During his employment with West Mercia Police, DC Davis was the subject of several third-party referrals in respect of financial vulnerability. There were alleged issues with unmanageable debt prior to DC Davis commencing a five-year career break in 2016, although he indicated to his supervision at the time that he would prioritise getting his financial affairs in order whilst he was in Qatar.
In summary, it is alleged that former DC Davis has seriously failed to manage his personal finances both prior to and on his return from Qatar, despite significant constabulary support, and that he has been repeatedly dishonest in his communications with the Vetting Unit and / or Anti-Corruption Unit (ACU) about his financial affairs.

8)Decision as to Misconduct or Gross Misconduct

a. In his Regulation 31 Response, DC Davis admitted that his conduct, taken together, amounts to Gross Misconduct and he accepted breaching the Standards of Professional Behaviour as alleged. In relation to the specific allegations, DC Davis accepts the factual assertions. As such, there are no areas of factual dispute.

The Panel have considered and assessed the severity of the admitted breaches. The Standards of Professional Behaviour said to have been breached are Honesty and Integrity, Orders and Instructions and Discreditable Conduct.

b. Gross misconduct is defined in the Regulations as meaning "a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal". We have again reminded ourselves of the circumstances of this case and the breaches of the standards that have been admitted.

9) <u>DC Davis' financial situation prior to departing for Qatar</u>

a. In or about 2006 former DC Davis was made subject to an Involuntary Debt Arrangement (IVA) which was a formal and legally binding agreement between him and his creditors. In September 2006, the Anti-Corruption Unit (ACU) were notified about concerns regarding former DC Davis's finances. This included that DC Davis held a high level of debt, was subject to an IVA and had not reported this to supervisors. Due to the IVA the risk was determined to be low.

b. In 2011 and following renewed concerns, the ACU carried out a review of former DC Davis's financial situation and identified he was again experiencing unmanageable debt. This included arrears on a second mortgage. An intervention meeting was held with him by his local supervision and matters seemed to improve. By September 2012, the IVA had been completed and former DC Davis appeared to be proactively engaging in managing his finances by regularly checking his Experion Report.

c. The improvement continued into October 2013, and it was deemed appropriate to close the file. Unfortunately, this improvement was not sustained and on 4 October 2016 DC Davis was subject to an order for possession in respect of rent arrears connected to a property in Hertfordshire.

d. Former DC Davis left for his career break in Qatar, fully aware of his historical and current financial difficulties.

10) <u>DC Davis' financial situation during his career break in Qatar</u>

a. In early October 2016, a landlord from whom former DC Davis rented a property in Hertfordshire attended at Hereford police station to serve him with an order for possession in respect of rent arrears. Former DC Davis was contacted by DS Kirsty Smith, his line manager and stated that he was aware of the order and was in communication with Mr Snell. No action was taken by the Force at the time because of former DC Davis's absence on his career break but it was recognised that his vetting would be subject to scrutiny on his return, which was anticipated to be 31st December 2021.

b. In addition to the order for possession, a County Court Judgment (CCJ)was entered against former DC Davis' name in Northampton County Court for £5,507 in respect of a defaulted hire purchase agreement. An attachment of earnings order was also made. Bailiffs visited former DC Davis' mother in law's address.

c. Former DC Davis returned early from Qatar in December 2019.

11) <u>Former DC Davis' return from Qatar and Vetting</u>

a. The Vetting Code of Practice and Authorised Professional Practice on Vetting clearly set out the personal responsibilities of police personnel and the requirements on them to disclose all relevant information during the vetting process and throughout the lifetime of the vetting clearance.

b. On the 29th of December 2019 former DC Davis completed a Recruitment Vetting Form, and failed to disclose that he had accounts in default, had been subject to a possession order and an attachment of earnings order and a CCJ. As such, he was not honest about his financial position and history. The Experion Report evidences that at this time, he was subject to a CCJ (R3N) and had 9 defaulted accounts.

c. On the 6th of March 2020 the Vetting Unit granted conditional vetting clearance, conditional upon former DC Davis making payments to reduce his defaults and being subject to a review in six months' time. An email dated 6th March 2020 from Ellie Mae Donaldson (Vetting Case Officer) to former DC Davis clearly stated that a 6-month review would be conducted to ensure that payments were being made in respect of defaulted accounts. As set out in the Regulation 30 Notice and as now accepted by former DC Davis he undertook to prioritise his finances.

12)<u>First vetting review</u>

a. By the time of former DC Davis's first vetting review in September 2020 his financial situation had not changed, despite the fact that he was aware that he was under review. A credit check completed on 16th September 2020 showed that former DC Davis still had 9 defaulted accounts amounting to £5,814 and a CCJ (R3N). The defaulted accounts in the September 2020 review had received no payments at all since the February 2020 report.

b. On the 27th of September 2020 and as part of his first vetting review, DC Davis answered specific questions regarding his financial position and signed a declaration that the information he had given was true and that any false statement or deliberate omission might leave him liable to disciplinary action. Former DC Davis answered dishonestly and denied having defaulted accounts, CCJ's, an attachment order and repossession proceedings in his name.
At the time of completing that recruitment vetting form, DC Davis would have been aware of defaulted accounts as this was notified to him in an email from a Vetting Case Officer on 6th March 2020 which he acknowledged just over an hour later.

c. Former DC Davis had not taken any action to address or reduce the defaults that had been identified on his credit report in the six-month period leading up to the September 2020 review, despite the conditions of his vetting clearance acknowledged by him.

d. On 23 November 2020, a further CCJ (refence no. G8CD1Q94) was entered by Northampton County Court in his name. This was for a sum of £773, in relation to a mail order account.

13) <u>Second Vetting Review</u>

a. In a telephone interview with the vetting unit on 27th January 2021, former DC Davis stated that he and his wife had been accepted for a mortgage to buy a house in Hereford and in further email communication dated 6th September 2021, he referred to having "purchased a house in Hereford that is not ready yet to move in". On the basis of that false assertion DC Davis was granted conditional vetting for a second time. The conditions required DC Davis to reduce his default accounts and address the CCJ (R3N). The case officer was, at that time, unaware of the second CCJ (Q94).

b. Former DC DAVIS's assertion that he had a mortgage in principle was repeated by him during an in-person vetting interview on the 26th of January 2022. Following his interview under caution on 15th July 2022, former DC Davis supplied a copy of a mortgage in principle dated 13th June 2022 and failed to provide any evidence of either a mortgage or one agreed in principle in or around January 2021.

c. On 28 January 2021, the day after this vetting review, an Experian check was conducted and identified two CCJs and eight default accounts, none of which had received payment in 12 months. Accordingly, he failed during his vetting interview to disclose the full extent of his defaults. In an email from DC DAVIS dated 28th January 2022, he stated that he had decided to "forget the appeal side of things and just get rid of the CCJ matter. So it is getting resolved today & will be gone" and then on 29th March 2022 forwarded contrary evidence to the Anti-Corruption Unit which indicated that he was seeking to appeal the CCJ.

e. On 3 February 2021 former DC Davis was emailed by the Vetting Unit who highlighted the two CCJs which triggered a decision to bring forward his conditional vetting review from six to three months.

f. On 2 July 2021 DC Davis satisfied CCJ Q94 but, on 29 July 2021 a further CCJ was entered against his name (4J3) for a parking fine in the sum of £321.
His financial distress was worsening, and former DC Davis was not honest within the vetting process.

14) <u>Third Vetting Review</u>

a. On the 5th of August 2021, former DC Davis was subject to a further vetting review and misrepresented the status of his CCJs in communication with the case vetting officer, by asserting that he had resolved his financial situation. Although CCJ Q94 had been satisfied, two CCJs remained outstanding.

b. Additionally in an email on the 6th of September 2021 he stated to the Vetting Unit case officer that he had purchased a house, which was untrue.

c. On 28th October 2021 an Experian check was conducted which identified three CCJs (it would appear that R3N was not yet showing as having been satisfied) and 4 default accounts. As a result, on 1st November 2021 an update was requested from former DC

Davis, who responded by stating that CCJs had been cleared. However, this was incorrect with one outstanding. In addition, accounts remained in default.

15) <u>Interview with the Vetting Department</u>

a. Having failed to comply with the conditions of his vetting, the former officer was interviewed for a second time on the 26th of January 2022. He was questioned about his assertion that he had a mortgage in place but drew back from his previous position and said that it was only a mortgage in principle. However, the former officer has never supplied the requested documentary proof, as requested.

b. He was also not full and frank about CCJ 4J3, which he said in interview would be cleared but then sought to challenge it, before ultimately settling it in November 2022.

16) <u>Misconduct Interview</u>

a. On the 15th of July 2022, former DC Davis was interviewed about the matter and was not honest about his position. For example, he denied knowing about the order for possession but then contradicted this by demonstrating knowledge and claiming that he believed it was a CCJ. This was despite saying in the same interview that he was unaware of the CCJs until he went through re-vetting and was informed of them by the vetting officer.
When challenged on this point, he said that he did not need to declare the CCJ as it had been settled by his wife, to whom he delegated responsibility for management of their debts.

b. Of course, it is apparent from his admissions in his Regulation 31 Response that he was well aware of the precarious state of his finances, including the CCJs and the order for possession.

15) <u>Decision of the Panel</u>

a. The Panel are entirely satisfied that former DC Davis's behaviour breached the Standards in respect of Honesty and Integrity, Orders and Instructions and Discreditable Conduct as alleged and that it amounts to Gross Misconduct. For the avoidance of doubt, the following factors are present: -

-This was a course of conduct rather than an isolated incident. Whilst initially seeking to provide explanations for the inconsistencies and multiple discrepancies in his interview, former DC Davis has since accepted the totality of the factual assertions and therefore, a course of dishonest conduct as opposed to an isolated incident of dishonesty. An aggravating feature is the fact that DC Davis had been reminded of the importance of honesty throughout the process and was presented with multiple opportunities whereby he could have communicated the truth about his situation.

- There were numerous incidences when former DC Davis provided misleading and/or false information in the vetting process and in subsequent communications with the Anti-Corruption Unit. This was despite a supportive approach by West Mercia Police.

-Former DC Davis did not, at any point, self-report his financial issues to the Head of Professional Standards or the Anti-Corruption Unit in line with the Unmanageable Debt Reporting Procedure, despite the obligation to abide by police regulations, force policies and lawful orders. It is reasonably expected of police officers that they adhere to force values and principles. This is the necessary trade-off for policing by consent and maintaining, or seeking to regain, public confidence in the service.

- Former DC Davis's Regulation 31 response makes clear that he knew the extent of his debt, the defaulted accounts and CCJs. On interview, former DC Davis claimed that he delegated responsibility for resolving his debt issues to his wife and took no personal responsibility for them, which, he has subsequently accepted was false.

- The various credit reports in respect of former DC Davis show a clear and continuing pattern of poor financial management and a level of debt which was unmanageable. Former DC Davis demonstrated financial irresponsibility, and provided false information about his financial affairs to the extent that he could have become vulnerable to financial inducement.
The National Crime Agency (NCA) identifies that money is one of the common motives for corruption and that unmanageable debt can place Police personnel in a vulnerable position and more likely to become engaged in corrupt activities to try and relieve their debt. Former DC Davis's actions put the integrity, reputations and security of West Mercia Police at risk. A demonstration of the reputational damage is that former DC Davis's Landlord had to attend at a police station in order to try and serve repossession papers upon him.

b. The Panel have considered the full and accepted factual matrix but has reminded itself of the need to protect public confidence in and the reputation of the Police Service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.

c. The legitimacy and effectiveness of UK policing is built on relationships between the police and the public. In a consent-based policing system positive engagement with the public is crucial in building public trust and confidence. Officers are expected to discharge all lawful debts in accordance with the terms and conditions directed by the lender. Former DC Davis's unmanageable debt problem necessitated court and other formal proceedings to be taken by creditors.

d. Police officers and staff have immense power by virtue of the role they hold in society. When the police fail to act with honesty and integrity or in accordance with force policies, it can have a negative impact on public confidence in the police. As Lord Bingham rightly said: "A profession's most valuable asset is its collective reputation and the confidence which that inspires" (Bolton v Law Society 1993).
Former DC Davis was not open, honest or accountable during the vetting procedure and failed to demonstrate integrity in his financial actions. By the repeated making of false and

/or inaccurate oral and written statements, the Panel consider that public confidence would be damaged to a greater extent if they were aware.

e. In conclusion, the Panel is satisfied that the facts are proven on the balance of probabilities and that each of the breaches of the Professional Standards in relation to Honesty and Integrity, Orders and Instructions and Discreditable Conduct individually and/or collectively amount to Gross Misconduct.

Wendy Evans	Edward Hancox	Christy Wannop
Legally Qualified Chair	Superintendent	Independent Member