

**memorandum**

From: Chief Constable Pippa Mills

To: PC 22271 Kiaran WAIN

Our
Ref: CM/84/22Date: 5th January 2023**FINDINGS FORM****ACCELERATED MISCONDUCT HEARING – PC 22271 Kiaran WAIN**
5th January 2023: Hindlip Hall, Hindlip Headquarters

In accordance with Regulation 63 of the Police (Conduct) Regulations 2020, below-listed are the findings and any disciplinary action imposed in the above case. This document must be supplied to you before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.

Hearing members:**Chair: Chief Constable Pippa Mills****Details of the conduct alleged to have breached the Standards of Professional behaviour:**

On the 14th October 2022 at Shrewsbury Police Station you received a Caution having admitted to two criminal offences namely:

- (i) At the Royal Shrewsbury Hospital on the 13th October 2022 you assaulted Police Constable 21654 Caitlin Duncan in the execution of her duty contrary to Section 89(1) of the Police Act 1996. And*
- (ii) At the Royal Shrewsbury Hospital on the 13th October 2022 you assaulted Police Constable 21997 William Lennon in the execution of his duty contrary to Section 89(1) of the Police Act 1996.*

The breaches of the Standards of Professional behaviour alleged are as follows:

Discreditable Conduct in that you have been cautioned for criminal offences which brings discredit on West Mercia Police and undermines public confidence in it.

RESTRICTED

In accordance with Regulation 61, the person conducting the accelerated misconduct hearing shall review the facts of the case and decide on the balance of probabilities whether the conduct of the officer amounts to misconduct, gross misconduct or neither.

Findings:

The conduct alleged amounts to gross misconduct

I have read the email response from you. The officer's federation representative, Steve Butler has also confirmed today that you admit that your conduct amounts to gross misconduct.

Disciplinary action to be imposed:

In determining the appropriate outcome in this case I have considered the College of Policing Guidance on outcomes in police misconduct proceedings

Assessing the seriousness of the conduct lies at the heart of the decision on outcome. I have taken the three-stage approach as set out in the Guidance at paragraph 4.2. In assessing the seriousness of the proven conduct here, I have had regard to your culpability, the harm caused and any aggravating and mitigating factors.

The Guidance makes it clear that it is entirely unacceptable for police officers who are responsible for enforcing the law to break it themselves.

Although the formal caution related to off-duty conduct, I have carefully considered the circumstances surrounding the events. PC's Lennon and Duncan were carrying out their lawful duties, waiting with you at Shrewsbury hospital for assessment. Your behaviour, of which alcohol played a part, involved being both obstructive and abusive towards the officers'. What followed thereafter were violent assaults. You punched PC Lennon to the left temple and whilst being restrained you kicked PC Duncan a number of times, striking her legs. Fortunately, neither officer was seriously injured. Misconduct involving such violence undermines public confidence in the profession.

Set against this are mitigating factors, which include your mental health issues, referenced when interviewed. Your federation representation, Steve Butler, on your behalf, conveyed your sincerest apologies to the Force, the communities of West Mercia and to PC Duncan and PC Lennon. I have considered your personal record and note that you joined West Mercia Police on 7th March 2022 on the degree holder entry programme and were posted to Shropshire.

Finally, the College of Policing Guidance confirms that the purpose of the police misconduct regime is threefold, namely to maintain public confidence and the reputation of the police service, to uphold high standards in policing and deter misconduct, and thirdly to protect the public.

The disciplinary action imposed today is Dismissal without Notice. Additionally your full name and a description of the conduct leading to the dismissal will be entered on the Police Barred List held by the College of Policing.

I confirm that the above is correctly recorded. I also confirm that your personal record was considered before a decision was reached on any disciplinary action to be imposed.

Signed:
Chief Constable Pippa Mills

Date: 05/01/2023

If you wish to receive a copy of the record of the proceedings, please contact the Professional Standards Department.

You have a right of appeal against the finding. Should you wish to exercise this right you must do so in writing to the Chairman of the Police Appeals Tribunal within ten days of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the panel. You have the right to be legally represented at the appeal hearing.

Form of receipt to be completed by officer subject of proceedings:

I acknowledge receipt of this written notice of the misconduct proceedings, dated 5th January 2023 of which this is a true copy.

Signed.....

Date.....