

IN THE MATTER OF POLICE (CONDUCT) REGULATIONS 2024

Case Number: CM 75/23

West Mercia Police

-v-

Detective Constable David Bunce 21369

1. The Panel sat on Wednesday April 23rd and Thursday April 24th 2025 at West Mercia Police HQ, Hindlip Hall, Hindlip, Worcester.
2. The Panel was chaired by ACC Grant Wills sitting with Marsha Pearson and Luke Bloomer (Independent Panel Members). Mr Peter Cadman, solicitor was the Legally Qualified Person.
3. Ms Laura Nash, counsel, represented the Appropriate Authority (AA) and Inspector Lesley Williams (Federation Representative) represented DC Bunce (the Officer).
4. The Officer faced the following allegations:

Police (Conduct) Regulations 2020 (as amended).
Regulation 30 — referral to Misconduct Hearing

Name: David BUNCE

Rank/collar number: Detective Constable 21369

Division/Department: 'D' Division Child Exploitation

Case reference: CM.75/23

This is to notify you that, pursuant to Regulation 30 of the Police (Conduct) Regulations 2020 (as amended), the investigation into the alleged breaches of the Standards of Professional Behaviour made against you has been completed and a determination has been made that there is a case for you to answer in respect of gross misconduct, and the allegations have been referred to a Misconduct Hearing.

Being an officer of West Mercia Police, you breached the Standards of Professional Behaviour in Schedule 2 of the Police (Conduct) Regulations 2020 in that

ALLEGATIONS OF FACT

- 1 On 28th July 2022 you made an application to transfer from West Mercia Police to West Midlands Police.
- 2 As part of the transfer process you were required to complete a West Midlands Police vetting form
- 3 Completing the form required you to declare any Fixed Penalty Notices that had been issued to you for any traffic offences, other than for parking matters.
- 4 When completing the form you declared that you had not received any Fixed Penalty Notices and that the information that you provided was true and complete
- 5 On four occasions between February 2019 and March 2022 you received Fixed Penalty Notices for speeding offences and at the time of completing the vetting form there were nine penalty points endorsed on your driving licence
- 6 You failed to declare both the Fixed Penalty Notices and the points endorsed as part of the West Midlands Police transfer vetting process
- 7 You also failed to declare both the Fixed Penalty Notices and the points endorsed to West Mercia Police as soon as reasonably practicable as required by Force Policy.

8. On 26th October 2022 you were notified that you had failed the West Midlands Police vetting process On 28th October 2022 you notified West Mercia Police of two Fixed Penalty Notices and six penalty points
9. In December 2022 you appealed the vetting refusal decision by West Midlands Police In that appeal you denied intentionally omitting the information regarding the Fixed Penalty Notices in the vetting form.
10. In May 2023 you were required to re-submit a Recruit Level vetting form by West Mercia Police which required you to declare any Fixed Penalty Notices for traffic offences excluding parking.
11. You submitted the Recruit Level vetting form on 3rd July 2023 and declared that you had received Fixed Penalty Notices You did not include any information regarding any relationships on this vetting form.
12. On 4th July 2023 the West Mercia Police vetting unit requested more information regarding any relationships in the last three years. You replied the following day and stated that you had not been in a relationship during that period.
13. The West Mercia Police vetting unit then made a specific request for information regarding your relationship with Ms A. You stated that you had been in a relationship with her for three months and was not cohabiting with her
14. On 19th April 2023 you searched for Ms A's partner Mr C on force systems without a policing purpose You recorded the reason for the search as "subject of process or investigation" in relation to "cee nq" meaning child exploitation enquiry

ALLEGATIONS OF MISCONDUCT

Your said conduct breached the Standards of Professional behaviour as follows

(A) In breach of the Standard of **Honesty and Integrity** you*

- (0) Falsely stated you had no Fixed Penalty Notices and/or penalty points on your driving licence when completing the West Midlands Police vetting form submitted on the 26/07/2022, when you knew that you have received four Fixed Penalty Notices
- (ii) Failed to declare those Fixed Penalty Notices and/or penalty points to West Mercia Police Professional Standards Department as soon as reasonably practicable as required by Force Policy
- (iii) Gave a misleading account as to why you omitted the Fixed Penalty Notices and/or penalty points from the vetting form during the appeal in December 2022;
- (iv) Failed to declare all Fixed Penalty Notices and/or penalty points when completing the West Mercia Police Recruit Level vetting form submitted on the 03/07/2023,

- (v) Entered a false reason for the search of Mr C onto the Force System
- (B) In breach of the Standard of **Orders and Instructions** you failed to comply with West Mercia Police Force policy to disclose the fact that you had received Fixed Penalty Notices for traffic offences as soon as reasonably practicable.
- (C) In breach of the Standard of **Confidentiality** you searched for Mr C on force systems without a legitimate policing purpose
- (D) In breach of the Standard of **Orders and Instructions** you searched for Mr C on force systems without a policing purpose

Your said conduct amounts, individually and/or cumulatively, to **Gross Misconduct**.

5. A pre-hearing hearing took place on February 27th 2025 and is noted below.:

RE DC 21369 Bunce

Present:

Chair: ACC Grant Wills

LQP: Andrew Clemes

AA Counsel: Laura Nash

PF rep for DC Bunce: DI Lesley Williams

IO: Martin Hall

PSD: Lindsey Hewitt

Started 5 p.m.

It was noted that no live witnesses from the AA's list in the bundle are required. Time estimate 1-2 days, venue to be determined. Date of hearing – 23rd and 24th April 2025.

ACTION NEEDED – the LQP is not available for those dates and the PCC will need to be contacted to seek a replacement.

All reasonable adjustments sought for DC Bunce are allowed.

Public/private hearing – after reading the submissions of the parties, the Chair directed that the hearing will be held in public but that the officer's name must be anonymised and not be used or published in the public notice or at the hearing. He can be referred to by way of a cipher as

can all witnesses referred to in the bundle for the proceedings. This direction can be reviewed as and when appropriate (for example if an outcome stage is reached).

The defence had made numerous applications for redactions. These remain opposed by the AA. The Chair will decide the applications within 7 days after receiving legal advice in writing (which will be shared with the parties).

The AA is to provide an opening note no later than 7 days before the start of the hearing.

The defence will make no submissions that there is any link between any protected characteristics of the officer and the conduct alleged. Thus the Equality Act will not be relevant in that way.

The 100 day time limit within which a date must be set under the 2020 Regulations is extended in the interests of justice.

Ended 5.30 p.m.

Addendum

Decision on redactions, legal advice having been obtained and circulated – the applications are refused. The evidence appears to be relevant and therefore admissible. The Panel can decide what degree of weight should be attached to it at the hearing.

The Chair also directs that the bundle be re-paginated afresh as the current version is split into 3 parts (there is no obvious reason to maintain such a division) and the pagination is not consecutive and – in parts – duplicated.

6. The Officer had filed a detailed Regulation 31 Response. He denied that he had breached the Standard of Professional Behaviour as to Honesty and Integrity but admitted breaches of the Standards of Orders and Instructions (allegation B and D) and Confidentiality (allegation C). He admitted that his behaviour amounted to misconduct but denied that it amounted to gross misconduct.
7. No health issues were raised as at the date of the events giving rise to the allegations although there were mental health issues raised on the Officer's behalf but only by way of background.

EVIDENCE CALLED

8. The following paragraphs 9 to 10 are a summary of the evidence heard and not a complete record. All evidence heard was considered by the Panel, as were all the written witness statements and documents in the hearing bundle.

9. The AA relied on the statements and documents within the hearing bundle. In summary:

9.1 Speeding offences. The Officer had the following speeding offences

No.	Date	Offence	Points	Exp.
1	25/02/2019	SP30	3	02/2022
2	24/06/2020	SP30	3	06/2023
3	05/07/2021	SP30	3	07/2024
4	15/03/2022	SP50	3	03/2025

9.2 The Officer did not disclose any of these to West Mercia Police at the time or “as soon as reasonably practicable”..

9.3 At the time that an officer has accumulated nine penalty points, they would be referred to Driver Training.

9.4 The Officer applied to transfer to West Midlands Police by application dated July 26th 2022. At that time, he had nine current penalty points on his licence.

9.5 The police vetting form that the Officer completed included an obligation to declare any FPNs (Fixed Penalty Notices) including traffic offences other than for parking matters. The Officer did not disclose any FNP’s or the penalty points that were on his licence.

9.6 The form also included a declaration to confirm that the information on the form was true and complete.

9.7 On October 26th West Midlands Police notified the Officer that he had failed vetting and he appealed and on October 28th the Officer notified West Mercia Police of two FPNs constituting six penalty points.

9.8 In December 2022 the Officer appealed against the vetting refusal and denied intentionally omitting the FPNs in the application form.

9.9 In May 2023 West Mercia Police required the Office to re-submit a Recruit Vetting form and this was completed by the Officer on July 3rd 2023. He stated that he had FPNs but that these had already been disclosed to relevant parties. However, all four of the Officer’s previous line managers confirmed that no disclosure had been made to them.

- 9.10 Within the West Mercia vetting form, the Officer was asked if he had been in a relationship within the past three years and the Officer replied that he had not. However, from a search of his Facebook profile it was established that he was in a relationship with Ms A. The Officer again was asked the same question and he again denied being in any relationship.
- 9.11 On April 19th 2023 the Officer conducted a check on Mr C, who was Ms A's ex-partner. In making this check the Officer recorded that Mr C was the "subject of process or investigation " in relation to "ce enq" which is child exploitation. Mr C was not subject of any such enquiries.
10. The Officer gave evidence:
- 10.1 He gave details of his career and his police service since he joined in 2006. He also gave details of his personal life. He explained that he had mental health problems but told the Panel that this information was provided to the Panel by way of background.
- 10.2 He did know the difference between SP30 and SP 50. He could not recall details of the speeding offences. He did remember receiving the notifications and he knew that penalty points were being entered on his licence. He was aware when there were nine points and that further points would make him a "totter" and at risk of losing his licence if there were a further matter.
- 10.3 He was shown a vetting application that he completed on December 13th 2018 and he accepted that accuracy was his responsibility. He accepted that he must have seen the section about security where it stated that traffic offences need to be declared and that he was not surprised to be asked this information in a vetting form as the police enforce the law and should obey the law. He also accepted that police forces need to know about penalty points for officers. However, he said that he did not know that he had to tell West Midlands Police or West Mercia Police of FPN's and penalty points.
- 10.4 He said that he did not know that he had to declare to West Mercia Police each time he received penalty points and therefore he did not declare any of the four FPNs.
- 10.5 With regard to Allegation A(i) (July 26th 2022)he said that the answer of "No "was correct as he had not been asked about traffic offences and he did answer the specific question correctly. He did, however, accept that this form was identical to the document he had completed for West Mercia police in December 2018 . He accepted that accuracy was important and that the introduction to the questions said that offences

included “traffic offences (including fixed penalty notices other than for parking)” - was directly above the actual question he answered. He said that he completed the form on his mobile phone and had difficulty seeing because of his eyesight, contact lenses and glasses. He accepted that this was an important document and was aware that at the time he had nine penalty points on his licence.

- 10.6 With regard to Allegation A(ii) he was not aware that there was a force policy to declare FPN's and penalty points. He only became aware of this duty during this investigation.
- 10.7 The letter of October 26th 2022 from West Midlands police stated the rejection was based on the nine penalty points and the failure to disclose them. On the day he received the rejection letter from West Midlands police, he contacted PSD at West Mercia and on October 28th he self-reported two FPNs being the matters from March 15th 2022 and July 5th 2021. He reported these as they were the most recent. He did not know why he had not disclosed the earlier FNP of June 24th 2020 but he was not being dishonest or hiding anything. He did accept that the letter, some two days before from West Midlands police, actually stated the rejection was based on the nine penalty points and the failure to disclose them. He also accepted that PSD at West Mercia had asked for details of “each matter individually” but he only disclosed two. He could not explain why he only disclosed two rather than the three.
- 10.8 With regard to Allegation A(iii) he had appealed to West Midlands police against the rejection and his email of appeal was true and not misleading. He maintains that it was not a dishonest account. In that appeal, he said that he could not recall any part of the process asking about points on his licence and he would have disclosed if asked and, if it was a tick box exercise, it was absolutely an error
- 10.9 With regard to Allegation A(iv), the vetting application to West Mercia on July 3rd 2023, he did tick yes that he had offences and he declared SP30 and SP30. He asserts that this was honest information as he had already told PSD and he was not hiding anything. He said that this was not misleading even though he had nine points on his licence.
- 10.10 With regard to Allegation A(v), the computer access on April 19th 2023, he had started a relationship in April 2023 with A. There were issues raised about her ex-partner C and he accessed the system. He entered C's name and recorded that C was “subject to process or investigation” and that it was for “cee enq” that meaning “child exploitation enquiries”. He accepted that there was no policing reason for the access and that the reasons he had given were false. He realised that it was a moment of madness and

stopped. He asserted that he had not accessed any information. He did accept that there would have to be a search for it to be recorded on the system at all but he asserted that he did not see what was presented as a result. He did accept that he had entered the information and pressed “OK” and to that extent it was a search but did not see any data that arose.

11. DECISION ON FACTS, BREACH OF STANDARDS AND CONDUCT/GROSS MISCONDUCT

11.1 The Panel gave careful consideration to all the material presented to it including oral evidence and the hearing bundle.

11.2 The Panel reminded itself that the burden of proof is on the AA and the standard is the balance of probabilities.

11.3 The Panel was informed that, although there were references to the Officer’s health in documents actually presented to the Panel during the hearing, it was not suggested that health impacted on him as far as the facts of the allegation were concerned. It was presented to the Panel only by way of background and the Panel agreed that this was the proper approach. The panel took care to ensure this did not negatively impact their view when judging his evidence.

11.4 The Panel was aware that the alleged facts (Facts 1 to 14) were admitted. In addition, the Officer admitted that he had breached the Standards of Orders and Instructions in relation to Allegations B&D and Confidentiality in relation to Allegation C. He admitted that this constituted misconduct but denied that it was gross misconduct.

11.5 The Parties had agreed that the Panel needed to decide whether the Officer had breached the Standard of Honesty and Integrity and then whether his conduct amounted to gross misconduct rather than misconduct, which was admitted.

11.6 The Panel first considered the allegations (A) i to iv, these being the Fixed Penalty Notice allegations. The Panel had the evidence of the Officer before it with the explanations he gave. However, the Panel found his evidence to be evasive and unconvincing and his explanations to be implausible.

11.7 The Panel noted that in answering questions about his 2018 vetting form he had accepted that questions about driving offences were properly asked and their importance. He had conceded that police forces need to know about penalty points for

serving officers. The Panel found that he did have the same view when he completed the vetting form for West Midlands Police. The Panel also notes that the letter, dated October 26th 2022 from West Midlands Police informing him of his failed vetting, stated that the two reasons for failure were his current 9 penalty points and his failure to disclose. Despite this, within two days he made a disclosure to West Mercia Police on October 28th, naming only two offences not the three offences. The Panel found that this was indicative of his approach throughout matching his replies to mislead the vetting process. A further example is his vetting replies to West Mercia Police of July 3rd where he gave answers about his FPNs that was misleading giving the appearance of only 2 offences consistent with his October answers but his answers were not accurate. Further, in that document he asserted that the offences had been disclosed to relevant parties when his supervisors were never ever informed of any of the four FPNs

- 11.8 With regard to Allegation A(i), the Panel found that he was at the time aware of all 4 FPNs and one of them being quite recent. The Panel reject his explanation that he did not understand that the question included FPNs. It was clear on the form and the Panel reject his excuse about using his phone and his eyesight. He had completed vetting forms before and he himself accepted that there were questions about FPNs. The Panel find that he knew what the question was and gave a false answer. Therefore, allegation A(i) is found proven.
- 11.9 With regard to Allegation A(ii), the Officer accepted that he had not reported any of the four FPNs to West Mercia Police as soon as reasonably practicable. The Panel rejected as totally implausible that he was unaware of his duty to report FPNs. The Panel found that he was aware of the duty to report. Further, for a period of time (relevant to the time of his vetting) he had 9 penalty points on his licence, bringing him very close to the possibility of a driving ban, something that the panel felt would be at the forefront of his mind as an experienced police officer. Therefore, allegation A (ii) is found proven.
- 11.10 With regard to Allegation A(iii) the Panel noted, but rejected, his assertion that the form had been incorrectly completed and that it was “an error”. The Panel has already found that he had falsely failed to declare the four FPNs, knowing that these should have been disclosed. Having falsely failed to declare the FPNs, the explanation as to why they were omitted was presented to West Midlands Police to mislead them. Therefore, the allegation A (iii) is found proven.
- 11.11 With regard to Allegation A(iv) the Panel found that this was proved and refer to the earlier findings that the officer gave misleading responses on the RV form to give the

appearance of only 2 offences and further asserted that they had been correctly disclosed to relevant parties. Therefore, allegation A (iv) is found proven.

11.12 The Panel then considered Allegation A(v) about the entry for the search about Mr C on the Force system. The officer admitted the use of a false entry in that search purporting that Mr C was “subject of process or investigation” in relation to “ce enq” which meant a child exploitation enquiry. The Panel noted that the Officer gave his account to suggest that he did not “search” against Mr C’s name but this assertion was later conceded as inaccurate. The panel found his evidence was disingenuous on this point and intended to mislead the panel.

Therefore , allegation A (V) is found proven

11.13 When considering the alleged breach of the standard of Honesty and Integrity, the panel considered allegations A (i)-(iv), the matters relating to FPNs, first. The panel found that the proven allegations showed a pattern of dishonesty individually and collectively. He had at various stages deliberately omitted reference to his driving record and, even when some reference is made, it is deliberately inaccurate and lessening the gravity of the true record. Therefore, the Panel found the standard of Honesty and Integrity was breached.

11.14 The panel then considered the matter of searching Mr C on police systems in allegation A (v). The Panel found that the Officer had deliberately searched for confidential material and that the false reasons given were dishonest being a deliberate and a knowing attempt to hide the search. Therefore, the Panel found the standard of Honesty and Integrity was breached.

11.15 The panel reminded itself that the alleged breaches of the standards relating to Confidentiality and Orders and Instructions (allegations B, C and D) had been admitted by the officer.

12. CONDUCT/GROSS MISCONDUCT

12.1 The officer admitted misconduct but not gross misconduct in relation to allegations B, C and D. However, the Panel considered the seriousness of the proven allegations A(i) to (v) and the admitted allegations B C and D, and concluded that this conduct was so serious that the sanction of dismissal without notice could be justified (although a final decision on actual sanction would, of course, then be considered later).

DECISION ON SANCTION

13. The Panel heard submissions on sanctions. The AA submitted that dismissal without notice is the only appropriate outcome. For the Officer it was submitted that the Panel could impose a Final Written Warning.
14. The Panel considered the Guidance on outcomes in police misconduct hearings and the Panel bore this in mind in its deliberations.
15. The Panel had been provided with the Officer's service record and was aware there had been no previous misconduct allegations
16. 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
17. The Panel first considered the seriousness of the proven allegations and took all factors into consideration, whilst taking care not to double count, and these include:
 - (a) Culpability
 - (b) Harm
 - (c) Aggravating factors
 - (d) Mitigating factors
18. Culpability
- 18.1 In regard to the FPN allegations the Panel found that his actions were a deliberate pattern of behaviour with off duty dishonesty that brought the police service into disrepute.

The level of culpability was high.

- 18.2 In regard to computer misuse, the Panel found that this was deliberate, targeted, while on duty, dishonest, for personal benefit, with no legitimate police purpose and there was an attempt to cover up by using false reasons.

The level of culpability was high.

19. Harm

- 19.1 With regard to the FPNs, the Panel found that there was reputational damage and an impact on public confidence in the police.

The level of harm was high.

- 19.2 With regard to the computer misuse, this engaged reputational harm, public confidence, and the abuse of an officer's position.

The level of harm was high.

20. Aggravating circumstances

The conduct for the FPN matters was regular and repeated over a period of time. The computer misuse allegation continued after he knew he should have stopped. Both matters were a significant deviation from Force Policy.

21. Mitigating circumstances

There was a background of health issues which had the potential to affect the officer's ability to deal with the circumstances. With regard to the computer misuse allegations, it was a single episode over a short period of time.

22. Personal mitigation

- (a) The Panel noted the Officer's service record
- (b) The Panel took this into consideration but gave limited weight to this in determining the appropriate sanction.

23 Taking into account the mitigating and aggravating factors, the Panel found that the overall level was high.

DECISION

23. The Panel considered whether a final written warning was appropriate and proportionate. However, it decided that such a sanction would not be adequate to reflect the seriousness of the misconduct.
24. The threefold purposes of the police misconduct regime, and in particular the purpose to maintain confidence in and the reputation of the police service, can only be satisfied by dismissal without notice in the particular circumstances of this case.
25. The Officer's name will be placed on the barred list

DECISION ON ANONYMITY

26. After the Panel announced its decision on outcome, the Panel invited oral submissions on the question of anonymity. The submissions were brief and the Panel then asked the advocates for written submissions.
27. The background was that the Chair had ruled that the Officer's name be anonymised prior to and during the hearing to enable the Officer to participate. That ruling was to be reviewed at the end of the hearing.
28. The AA replied as follows:
29. "In terms of the absence of any reason for the anonymity order to continue, it may assist the Panel to know the Appropriate Authority's rationale in deciding to make no positive submission for the order to be lifted. [REDACTED]
[REDACTED] However, the decision is ultimately for the Panel."
30. On behalf of the Officer the following submission was made:
31. "The officer's position is that the submissions made prior to the proceedings regarding anonymity remain – there is no change and that is set out in the separate document supplied with his medical evidence. I would request at the least that the request for use of a cypher is agreed."
32. The Panel took advice and accepted that anonymity should only be ordered in exceptional circumstances and such a decision must be based on evidence presented to it. If there were not exceptional circumstances, the officer's name should not be anonymised and the decision itself should be publicised.
33. The interim decision made by the Chair had been specifically to enable the Officer to engage in the hearing. That reason had ended.

34. The Panel gave careful consideration to the submissions made and to the medical evidence presented to it. However, the Panel was not persuaded that there were reasons in this particular case to justify anonymity continuing and it ruled that the Officer would be named and the decision should be publicised in the normal way.

ACC Grant Wills

Chair

27th June 2025