



memorandum

FINDINGS FORM

From:	Temporary Chief Constable Alex Murray
To:	Former PS 20374 Richard CUNDY
Our Ref:	CM/101/22
Date:	05/03/2024

ACCELERATED MISCONDUCT HEARING – Former PS 20374 Richard CUNDY

5th March 2024 at Hindlip Headquarters

1. In accordance with Regulation 63, 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 accelerated misconduct hearing.

Hearing members:

Chair: Temporary Chief Constable Alex Murray

Details of the conduct alleged to have breached the Standards of Professional Behaviour:

1. On or about the 5th December 2022 you made false entries on a National Close Protection Shoot training record in respect of a qualification shoot conducted at the firearms training range Hindlip when you knew you had not undertaken this training.

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

- Honesty and Integrity in that you made false entries on a training record which was dishonest.
- Duties and Responsibilities in that you failed to complete the required training when you knew or ought to have known this was a requirement of your role as an Authorised Firearms Officer and supervisor.

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 or not the conduct of the former officer concerned amounts to gross misconduct.

Finding

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The conduct alleged amounts to gross misconduct

The following is a summary of the reasons for the finding:

Former officer CUNDY has admitted the alleged Breaches of the Standards of Professional Behaviour and that the breach amounted to gross misconduct. Given the admission and the documentary evidence contained within the bundle I find that the breaches of the Standards of Professional Behaviour are made out to the required standard and that the conduct amounts to gross misconduct.

Disciplinary action to be imposed:

I have considered the revised 2023 version of the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. As the Guidance sets out- assessing the seriousness of the conduct lies at the heart of the decision on outcome.

I have taken the three-stage approach listed in the Guidance. The first of those three stages is assessing the seriousness of the proven conduct with reference to culpability, the harm caused and any aggravating and mitigating factors.

As the Guidance makes clear, *"honesty and integrity are fundamental requirements for any police officer"*. In this case former PS Cundy deliberately falsified a record to show that he had attended and completed National Close Protection Shoot training. I do note that this was not just a signature but also a false scoring record, even detailing missed shots. It is noted that this training is in place to ensure that those who carry firearms for the specified role are suitably qualified and safe to do so. The conduct in this case is operational dishonesty and goes to the core of former PS Cundy's role as firearms officer/supervisor.

Harm Caused. Firstly, training has a purpose – ensuring the capability of officers to meet requirements. Absenting himself from that training created an operational risk whether in ticket or not. If there had been a discharge by any officer and a subsequent criminal investigation, the fabrication of any training record would have undoubtedly undermined any prosecution case by planting doubt around the integrity of West Mercia Police's firearms training regime. Finally, the public are entitled to and do so expect the utmost honesty and integrity of their officers.

Culpability. The culpability in these circumstances is clear and is aggravated both by his position as a leader and Sergeant in the organisation and by his extensive experience. The College of Police highlights that leaders must act as a role model.

Mitigating Factors: I am grateful of the representations made on behalf of former Sgt CUNDY by Inspector WILLIAMS. I have considered the early acceptance of gross misconduct by former PS CUNDY and his immediate acceptance of responsibility. I can see this was an isolated incident and that PS CUNDY has shown remorse.

Personal Mitigation: I have read PS CUNDY's statement dated 18th October 2023. I can see that PS CUNDY has had a long and distinguished career in the military and policing. He has dealt with high threat incidents courageously and has experienced several difficult circumstances. For that and the vast majority of his career he should be proud.

I have read the evidence of character. I can see that PS CUNDY

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- focussed on detail
- that he supported his colleagues through hard personal times and was concerned for the welfare of his staff
- that the role he was in was demanding
- that his knowledge and experience was extensive
- that he worked hard and communicated well

I am therefore saddened and disappointed that this incident took place, both for West Mercia Police and for Sergeant CUNDY. This should simply never have happened.

In this case, however, the mitigation does not detract from the seriousness of the incident and potential harm that could have resulted from deliberate falsification of the National Close Protection Shoot Training record.

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. This case has the potential to discredit West Mercia Police, to undermine public confidence in West Mercia Police and to undermine the confidence of policing in general. It also had the potential to undermine operational deployments and potential subsequent criminal investigations.

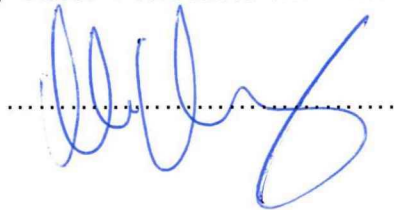
Given the circumstances of this case the only outcome which is consistent with all of these aims is therefore a finding with great regret, that former PS CUNDY would have been dismissed had he not ceased to be a member of a police force or a special constable. Additionally, former PS CUNDY's full name and a description of the conduct 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 the former officer's personal record was considered before a decision was reached on any disciplinary action to be imposed.

Temporary Chief ConstableAlex Murray

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Signed:



Date: 05/03/2024

If you wish to receive a copy of the record of the proceedings, please contact the Professional Standards Department on extension 5083.

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 Former Officer subject of proceedings:

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**I acknowledge receipt of this written notice of the misconduct proceedings,
dated 5th March 2024 of which this is a true copy.**

Signed.....

Date.....