

MISCONDUCT HEARING:

IN THE MATTER OF PC 21733 SIMON HALLAM

BEFORE:

ASSISTANT CHIEF CONSTABLE GRANT WILLS

INDEPENDENT PANEL MEMBER: CHRIS GREEN

INDEPENDENT PANEL MEMBER: MARSHA PEARSON

1. Introduction

1.1 The following paragraphs represent the findings and outcome of the misconduct hearing held at West Mercia Police Headquarters between 29 and 31 January 2025. This misconduct hearing was convened to deal with allegations which the Appropriate Authority (AA) assessed as amounting to gross misconduct. The Officer concerned was PC21733 Simon Hallam (PC Hallam).

1.2 There may be differences in this written document as compared to any transcript. If that is the case, this written document should be regarded as the definitive version.

1.3 The Panel in these proceedings dealt with allegations of breaches of the Standards of Professional Behaviour under the Police (Conduct) Regulations 2020 as amended by the Police (Conduct) Regulations 2024 (the 2024 Regulations). The Chair of the Hearing was Assistant Chief Constable Grant Wills (the “senior officer” who had been delegated to chair this hearing by the chief officer of police). The Independent Panel Members were Chris Green and Marsha Pearson. The Legally Qualified Person or Adviser (LQA) was Stephen Chappell who had been appointed to his role by the local policing body. The References to Regulations in this document are to the 2020 Regulations unless otherwise stated.

2. The Pre-Hearing stage

2.1 At the pre hearing on 7 November 2024 the Chair made directions regarding which witnesses were to be called to give oral evidence, witness statements, unused material, the Opening Note, service of character evidence and any skeleton arguments.

2.2 The Chair directed that this be a public hearing.

3. Representation and persons involved

3.1 The AA was represented by counsel Ms Hinton.

3.2 PC Hallam was represented by counsel Mr Summers.

3.3 The Investigating Officer was from DC Southan from the Professional Standards Department (PSD).

3.4 The Hearings Officer was Ms Cummings from PSD.

4. Guidance

4.1 The relevant Home Office Guidance is the February 2020 version.

4.2 The relevant Guidance on Outcomes is the March 2023 version.

5. The approach of the Panel

5.1 The approach of the Panel was to:

- To decide on the facts.
- Whether the facts are found proven.
- Whether the Standards are breached.
- Whether those breaches amount to Misconduct or Gross Misconduct or neither.

5.2 The Panel were reminded that:

- The AA bears the burden of proof at all times. The onus is on the AA to prove its case.
- The standard of proof is the civil standard. The Panel's task is not to determine the merely possible but rather the probable facts, i.e. what has more likely than not occurred. The Panel should avoid speculation.
- It did not have to resolve each and every issue of dispute between the parties but concentrate on those that are material to the allegations to be decided.

5.4 The Panel also reminded itself of relevant guidance from the Home Office Guidance: *"The more serious the allegation of misconduct that is made or the more serious the consequences for the individual which flow from a finding against him or her, the more persuasive (cogent) the evidence will need to be in order to meet that standard (bold added). This does not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred."*

5.5 The Panel were advised to bear in mind the wording of the allegations and the response from PC Hallam and in their review of the facts to concentrate on what was and what was not in dispute between the parties. The Regulation 30 Notice and the Regulation 31 Response are set out in the Annex attached with relevant extracts being referenced in this document.

6 Material considered and approach taken when deciding on facts

6.1 The first task of the Panel was to ascertain the facts.

6.2 The Panel had been provided with an 89-page bundle of evidence which contained the following material: Investigating Officers Report, Notices served under the Regulations, transcript of first allegation interview, written response to second

allegation, photographs, video, MG11 statements, email trails and exchanges, mileage sheets for the Ford Kuga vehicle and policies and procedures.

6.3 The AA made an application to add additional evidence to the bundle, namely the West Mercia Police Telematics Policy. The Officer made an application to add his Background Document into the bundle. Neither application was opposed. The Chair exercised his discretion to allow both sets of documents to be added to the bundle.

6.4 The Panel also had the benefit of hearing live evidence from PC [REDACTED] and PC Hallam.

6.5 In paragraph 7 below the Panel set the background and general context to the matter. Paragraphs 8-11 below deal with the evidence considered in respect of the Ford Kuga V [REDACTED] B [REDACTED] (the Ford Kuga or Kuga). Paragraphs 12-13 below cover the evidence considered in respect of the PSU Van V [REDACTED] C [REDACTED] (the PSU Van).

BACKGROUND

7. Background and general context from the Transport and Fleet Manager and the Policies and Procedures applicable to Telematics

7.1 Mr [REDACTED] the Transport and Fleet Manager for West Mercia Police (WMP) said in his written statement that telematics had been fitted to nearly the whole fleet of WMP vehicles. He explained that the information provided by the telematics system includes who logs in to register their use of the vehicle and all movements of the vehicle such as harsh braking. He added that the Radio Frequency Identification (RFID) reader is located above the driver's seat and is a small black box which is mounted on a flat black plate which is then linked to the tracking unit via the wire that goes to the roof lining from the RFID reader to a tracking unit. Mr [REDACTED] further explained that when the vehicle's engine is turned on quite a loud high pitched continual beeping (described hereafter as "bleeping") noise is emitted and officers have to show their personal issued card to the RFID reader which will then log that person's details as the officer driving that vehicle. This in turn also stops the high-pitched noise.

7.2 Mr [REDACTED] further stated that few people have designated access to be able to check the telematics system and repair is restricted to only an authorised UKT engineer who is allowed to modify, repair or remove parts of the telematics system within West Mercia Police vehicles for any purpose. He added that he had checked on the system and no defect has been recorded for the PSU Van with a telematics fault.

7.3 The West Mercia Police Telematics Policy sets out at paragraph 4.5.2 *"If it is evident to a user that a unit is faulty, i.e. the RFID reader is still "pinging" despite an ID being presented, the vehicle must be taken to workshops for the fault to be rectified"*.

THE FORD KUGA: PARAGRAPHS 8-11

8. Evidence of damage from Mr [REDACTED] in respect of Ford Kuga, V [REDACTED] B [REDACTED] (the Ford Kuga or Kuga)

8.1 Mr [REDACTED] said in his statement that the Ford Kuga was brought into the workshop at Blackpole on the 15 May 2023. He explained he had detected an issue with the RFID reader. Mr [REDACTED] added: *"To be able to check the telematics system, you have to have log in access and a password and very few people have access to this, however I am one of them who has full access due to my role. It is via the telematics system that I can see which vehicles may have a fault with the RFID reader"*.

8.2 Mr [REDACTED] explained in his statement that it was arranged for a UKT engineer to attend the workshop to service cars brought in. Referring to the Ford Kuga, his statement continued: *"The UKT engineer who was carrying out all the telematics service calls that day, approached me and showed me the roof mounted RFID reader, which had the cable to it cut with what looked like a relatively blunt instrument. Whoever cut the cable had also [taken] a chunk out of the RFID reader backing plate. The cutting of the wire has actually caused the tracking unit to blow internally, along with the main ignition fuse, rendering the whole system useless. The cost to repair this is £80 in parts, along with £150 in labour charges"*.

8.3 Mr [REDACTED] further said that he had checked back on the telematics system, for this vehicle, and it was installed on the 10 January 2023. It last reported in on the 26 March 2023 at 23:23 and the last user was PC [REDACTED]

9. The evidence of PC [REDACTED] in respect of the Ford Kuga

9.1 PC [REDACTED] said he worked 2 shifts where he was in the company of PC Hallam who was a Temporary Sergeant. The first shift started at 22:00 on Saturday night 25 March and finished on Sunday morning 07:00 on 26 March. The second shift started at 22:00 on Sunday night 26 March and finished at 07:00 on 27 March. The shifts started from Evesham Police Station. There were problems with the availability of vehicles for the shifts. PC [REDACTED] said that he was one of 5 officers on the shift that night together with the supervisory officer, PC Hallam. He explained he was a passenger in the Kuga as he was not blue light trained, he was only trained to a basic level. PC Hallam was therefore the driver on the basis that the vehicle may have to respond to an incident using blue lights. PC [REDACTED] said that at the material time he had been in post about a year and he was a student officer.

9.2 In his oral evidence PC [REDACTED] described how on both shifts there was a problem with PC Hallam's telematics card reader- it wasn't working so the high-pitched bleeping noise did not turn off. This meant that PC [REDACTED]'s card was used. PC [REDACTED] explained he made 2 separate notes (one for each shift) in his PNB in case there were any problems arising from a blue light run as the telematics would record that he was the driver when in fact it was PC Hallam. PC [REDACTED] said he made these PNB entries on his own initiative and rejected the suggestion that he done this at the behest of PC Hallam. PC [REDACTED] confirmed that he willingly offered his card to PC Hallam on both occasions.

9.3 In his written statement PC [REDACTED] stated that at around midnight on 26 March he was sat in the passenger seat of the vehicle when he saw PC Hallam use a device

which he described as some form of “cutting tool” to damage the RFID reader. He could not further describe the device used.

9.4 In his oral evidence PC [REDACTED] further stated that the time PC Hallam spent doing what he did to the RFID reader was approximately 5 to 10 seconds. He said that the only obstruction was PC Hallam’s left arm. PC [REDACTED] demonstrated to the Panel that PC Hallam had both his arms raised above his head when he was dealing with the RFID reader. He said that it was dark outside.

The challenge to the evidence of PC [REDACTED] on the basis of the email chains and the other accounts contained within the chain.

9.5 PC [REDACTED] was taken through a chain of emails that were in the evidence bundle and commenced with an email from Mr [REDACTED] to Chief Inspector [REDACTED] Police on 15 May 2023 in which Mr [REDACTED] said in reference to the Ford Kuga that: *“This is a Ford Kuga that is based at Evesham Patrol and has been presented to us for service today. When delivered to us a member of staff informed us that the RFID buzzer wasn’t working and hadn’t been for some time”*. The email goes on to set out that the UKT engineer showed Mr [REDACTED] the roof mounted RFID reader which had had the cable to it cut with what Mr [REDACTED] said looked like a *“relatively blunt instrument”*. In the email, Mr [REDACTED] goes on to describe the damage caused and the fact that this had been *“without doubt”* damaged by a member of staff and as this was not the first time, he had encountered this, he had referred the matter to the Professional Standards Department. The email goes on to say: *“I’ve checked back on the telematic system and it was installed on 10/01/23 and it last reported on 26/03/23 @23:23 and the last user was collar number [REDACTED] Student Constable [REDACTED] from Evesham Patrol shift D. I am in no way saying that this officer caused the damage he is the last one to have logged into the vehicle before the unit stopped working”*.

9.6 Chief Inspector [REDACTED] forwarded this email to Inspector [REDACTED] who then sent it to PC [REDACTED] for a response. In his email response to Inspector [REDACTED] of 16 May at 01:36 PC [REDACTED] set out that he did not drive the vehicle that evening and referenced his PNB entries. He further stated: *“With regards to the RFID assuming it’s the box above the driver’s seat Sergeant 21733 Hallam disconnected it. I do not recall the method exactly but I saw him playing with the box. I do not recall where or when it happened. I remember after he fiddle(d) with it, it no longer made a noise”*. Later that morning at 03:10 PC [REDACTED] sent another email to Inspector [REDACTED] in which he stated the following: *“To the best of my memory the box was disconnected using a cutting tool however I cannot describe the implement exactly. I believe it was a multi tool type device. SGT HALLAM said something to the effect of “FUCK IT” and “PROBLEM SOLVED” after disconnecting it. I think it was disconnected from either the right-hand side or underneath. I am confident that the reason he chose to do this was to prevent the vehicle from sounding the warning sounds as his telematics card was not working”*.

9.7 PC [REDACTED] made his witness statement to PSD on 21 May 2023. It was pointed out to PC [REDACTED] that in that witness statement he did not use the words “playing with the box”, “disconnection or “fiddling”. It was also suggested to PC [REDACTED] that he may

have been influenced by original email from Mr [REDACTED] to use the term “multi tool” in his statement.

9.8 On 8 September 2023 in answer to an email from PSD, PC [REDACTED] set out the following: *“I assumed that he must have damaged cables or electronics because the tone stopped. I didn’t inspect it afterwards to determine specifically what had been damaged. To be completely honest, I do not know the motion/method of how it was damaged, to confidently describe it in a word (cutting/snipping/sawing etc) as it was dark and I didn’t see it clearly. They’re such small cables, I assumed it must have been a cut and assumed it must be the cables, logically. I made the assumption that it had been “cut”. I know we don’t work in assumptions in this role, but I believe it’s a logical and reasonable assumption”.*

The reaction by PC [REDACTED] to what happened

9.9 In his oral evidence PC [REDACTED] said that he did not challenge PC Hallam at the time. He confirmed that he assumed PC Hallam must have damaged cables or electronics because the tone stopped but he didn’t inspect it afterwards to determine specifically what had been damaged.

9.10 In his written statement of 23 May 2023 PC [REDACTED] said: *I am still shocked and surprised by his actions and confused why he did it. Due to his rank experience and responsibilities within the force I initially did not report it but I felt as though I couldn’t and I was concerned of potential repercussions on me given his rank and being my direct supervisor*

10. What PC Hallam admitted in respect of Ford Kuga

10.1 In his Regulation 31 Response and his interview with PSD PC Hallam accepted and agreed some of the factual background to this allegation namely that:

- On or around 26 March 2023 he was on duty with PC [REDACTED] in a marked police vehicle Ford Kuga, V [REDACTED] B [REDACTED]. At this time, he was acting as a Temporary Sergeant.
- On the first night shift, he was crewed with PC [REDACTED] the telematics were not working, as he swiped his card but there was no reaction. He therefore used PC [REDACTED]’s card to disable it.
- On the second night shift, he was crewed up with PC [REDACTED] again and once again his swipe didn’t work on the Ford Kuga. He attempted to see if he could rectify the continual bleeping on the RFID. He used his multi tool to see if he could solve the issue. He used the words “Fuck it” and “problem solved”.

11. History and background from PC Hallam and his version of events in respect of the Ford Kuga

11.1 PC Hallam provided the Panel with his career history. He had been a Special Constable in the period 1995 to 2001. In the period 2001 to date he had been a full-time officer with the police service save for a period of some 3 years between 2015 to 2018 when he had first of all worked for a Biometrics company and then running his own security/electrics business when he worked as a qualified electrician. He rejoined the police service in 2018 as he had *“missed being in the role”*.

11.2 PC Hallam told the Panel that he had passed his sergeants’ examination and at the end of 2022 he was made a Temporary Sergeant.

11.3 PC Hallam confirmed the evidence of PC [REDACTED] about the two shifts that they worked together namely the night shifts commencing on Saturday 25 March and on Sunday 26 March. He said that he went to Evesham to brief the shift of 5 officers who he was to work with on these nights. There was a shortage of vehicles which meant that there were only 3 vehicles available for the shift so he paired up with PC [REDACTED] who was a student officer who he had previously tutored. The other constables were paired up and allocated to 2 vehicles which were double crewed. PC Hallam said his responsibility was to police the rural areas around Evesham and Malvern. On both shifts he and PC [REDACTED] used the same Ford Kuga.

11.4 PC Hallam agreed with the evidence of PC [REDACTED] about the first of the 2 shifts and the fact that PC [REDACTED] gave him his card to stop the bleeping from the telematics on the Kuga. However, PC Hallam said that it was his idea for PC [REDACTED] to make the PNB entry about the fact that the Temporary Sergeant had used his telematics to drive the Ford Kuga on both nights. He disagreed with PC [REDACTED]’s recollection of events in this regard.

11.5 PC Hallam explained to the Panel that he had had problems with his own card before which required him to go the admin support at Worcester Police Station to get a replacement “sticker” for his card. He would not have been able to access this resource at 22:00 on a Saturday night.

11.6 PC Hallam further explained that the difference between what happened on the first shift and the second shift was that on the second shift he had a performance appraisal meeting with an officer in Worcester, which he would attend on his own. He said he was aware of administrative work that PC [REDACTED] could be doing while he attended to this appointment. PC Hallam said that as he was aware of the issue with the telematics and so he decided to use a tool that he had with him in his rucksack which was in a locker in the police station. He described getting this tool from his locker whilst PC [REDACTED] was getting his kit together. PC Hallam told the Panel that the tool was a small screwdriver with a slight bend on it shaft with a “snakes’ tongue” at the end similar to a flat bladed screwdriver. He had the tool because of his separate business interest as an electrician.

11.7 PC Hallam asserted that he unscrewed the 4 screws to in an attempt unscrew the reader from the “headlining” to see if he could resolve the problem. He stated he thought there could be a loose connection. He further stated he used his tool to see if the cable connecting into the box was “clip in clip out”. The Officer was challenged as

to whether in fact he had used some force when undertaking this exercise. In his interview with PSD, he said *“all I’ve done is apply some pressure to see whether the clamp is a click box seal I’ve tried it on that and realised that doesn’t work”*. PC Hallam explained to the Panel that he was unable to undo the screws as the cable entry receiver was sealed into the unit, so he could do no more. He described the pressure applied as *“some pressure but no great pressure”*. He told the Panel that he said “Fuck it” because of his frustration that the unit was sealed. He added that he stated “problem solved” because the bleeping had stopped, not because he had caused any damage. When it was pointed out to him that Mr [REDACTED] said that the cable had been cut with what looked like a blunt instrument, PC Hallam said that it was not him who had caused this damage. PC Hallam explained that he used the device which he placed by the wire in order to see if it *“just clips out”*. He told the Panel didn’t know why the bleeping stopped; however, he did not cut the wire. He said he was happy the bleeping noise stopped. He further said he felt confident in looking at the RFID reader as he had worked with these readers when he took a career break and he qualified as an electrician and part of that was working with RFID readers.

11.8 PC Hallam agreed that at 23.33 the RFID for the Kuga stopped recording any telematics. At the end of the shift, he put the keys back in the office and put a note on the white board that the telematics on the vehicle were faulty and that the vehicle needed to be taken to the workshop. PC Hallam said that he had finished the night shift and so he could not return the vehicle and he did not know what then happened to it.

11.9 It was put to PC Hallam that he had not followed proper procedure in relation to the defect on the Kuga. It was also pointed out to him that there was a facility for Mr [REDACTED] and his team to be able to remotely switch off the “buzzer” remotely.

11.10 PC Hallam was asked about the “How to report vehicle defects” policing application (on the Intranet)-details of which were included in the bundle. PC Hallam said that he had discussed with a supervisor in the workshop who previously said there was no need to complete the online form but that he should arrange for somebody to take a defective vehicle directly to the workshop to allow the external engineer to then process the repair.

11.11 In preparing for this his interview with PSD and this hearing PC Hallam requested some photographs be taken of a RFID reader in a random police vehicle. These photographs were included in the bundle. PC Hallam said that in one of the photographs you could see damage to the cable as it enters through the small circular hole through the harsh rigid plastic. PC Hallam explained what he thought was the significance of this in that it showed issues around the telematics systems in other vehicles.

THE PSU VAN: PARAGRAPHS 12-13

12. The uncontested evidence of PC [REDACTED] in respect of PSU Van V [REDACTED] O (the PSU Van)

12.1 PC [REDACTED] provided a witness statement to PSD. In that statement he said that he had witnessed PC Hallam cut the cable of the telematics on the PSU Van on the day

that they had travelled to Worcester for training. He further said that the telematics had not been working, PC Hallam's warrant card did not stop the bleeping and he tried his card and it did not stop it either. PC [REDACTED] added that PC Hallam then asked him for a pair of scissors which he passed to him. PC [REDACTED] described that PC Hallam then proceeded to cut the wire on the telematics which continued to bleep. He added that he saw PC Hallam tuck the wire behind the unit. He further said that that: *"At the time I didn't think much of this as it was not working and needed to go to workshops to fix it. In addition, as [PC Hallam] had the authority of a Sergeant, I didn't think to question his authority on the matter or whether he had the appropriate responsibility to do this"*.

12.2 In an email to PSD, PC [REDACTED] said: *"I feel let down by an officer who is senior to me and has a significant level of service that I should be able to look to as an example and for help and support"*.

13. Admissions, evidence and contextualisation in the account of PC Hallam in respect of the PSU Van

13.1 PC Hallam told the Panel that the whole of the Evesham shift was required to attend mandatory training taking place in Worcester at lunch time. He was the only person who had a licence to drive the transit type van that was to be used to take to 8-10 officers to this training. He said that when he got into the van and used his reader the telematics did not turn off. The Officer said that PC [REDACTED] used his card which also was unsuccessful and the telematics did not turn off. PC Hallam further said that when he looked closer at the reader, he could see that the cable was jagged and it looked to have been damaged prior to it going in to the sealed joint. He said he was of the view that that the cable would have to be replaced. He explained that there was no realistic alternative but to use the van to get the shift to attend the mandatory training. He said that he asked PC [REDACTED] for some scissors or something similar to cut the cable. He did this but it did not appear to have any effect so PC Hallam said that he had to drive to Worcester with a loud buzzing throughout the whole of the journey.

13.2 PC Hallam said that on arrival at Worcester, he retained the keys but notified the defect on a white board where he left a message that the vehicle needed to go to the workshop but he couldn't do this as he was training. He arranged for some Vauxhall Vivaro vans which were on hand to return himself and officers to Evesham

13.3 When giving evidence PC Hallam was taken through the Regulation 30 by his counsel Mr Summers. So far as the allegation relating to the PSU was concerned (allegation 3) he accepted allegations (a) to (g) save and except he could not recall tucking the wire behind the reader (allegation (e)). He accepted that he knew by cutting the wire in a way that he did, that he would cause damage and it would need repairing. Although PC Hallam made this admission it was with the caveat that he took the view that the wire needed repair already. However, he accepted that further or in the alternative he knew or ought to have known that cutting the wire would mean the wire would not be repaired but would need to be replaced.

13.4 PC Hallam was challenged as to his decision to cut the cable and what other options were available to him. In his prepared statement he said: *"I have reflected on*

this incident for a long period of time. I appreciate hindsight is a wonderful thing and through reflection I know I could have sought out potentially different ways of dealing with the issue. I knew the reader was already defective and I had no alternative means to transport several officers to compulsory training in a short time frame. I had no intention whatsoever to cause issues and only ever had what I believed to be the best interests of the organisation at the time". PC Hallam repeated that there was no other alternative and explained that the training had been arranged around "protected time" for the officers. It was also put to PC Hallam that in the past he had used cards belonging to others as a work around, for example the use of a card from PC [REDACTED]. PC Hallam responded by saying that on this occasion he had asked 3 other officers to try their cards and none of them worked.

THE PANEL SET OUT AT PARAGRAPHS 14-19 BELOW THEIR FINDINGS OF FACT, WHETHER THE STANDARDS HAVE BEEN BREACHED, AND WHETHER THIS IS A MATTER OF GROSS MISCONDUCT, MISCONDUCT OR NEITHER

14. Findings

Allegation 1

14.1. It was not disputed that on or around 26 March 2023 PC Hallam was on duty with PC [REDACTED] in a marked police vehicle Ford Kuga, VRM V [REDACTED] B [REDACTED]. At this time, he was acting as a Temporary Sergeant.

14.2 The Panel noted the admission from PC Hallam that the internal roof mounted telematics machine ("RFID") reader stopped working at around 23:23hrs on 26 March 2023 and accordingly found allegation **1 (a) proved**.

14.3 The Panel further noted the admission from PC Hallam that he accepted that the RFID was bleeping. On an analysis of the evidence and in particular the evidence of Mr [REDACTED] the Panel concluded that it would not be the RFID itself that was bleeping. The RFID was the "reader" and the bleeping would in fact have emanated from the dashboard. The Panel noted that throughout the Regulation 30 Notice the telematics system is described using different terms. The Panel took the view that all the descriptions so used were linked to the "system" and it was reasonable to interpret the allegation accordingly. PC Hallam had conducted his case on the basis that the bleeping was related or connected to the roof mounted reader and so would not be prejudiced by such an approach. On this basis the Panel found allegation **1 (b) proved**.

14.4 The Panel further noted that in respect of the implement used by PC Hallam the AA had amended the allegation so it read "tool" rather than "multi-tool". This amendment did not appear to cause PC Hallam any prejudice. He himself referred to it as a "hand tool". When he gave his evidence PC Hallam agreed that he had used the tool to "resolve" the problem. In the view of the Panel this is synonymous with "fixing" the problem. The Panel found allegation **1 (c) proved**.

14.5 The Panel then noted that PC Hallam denied that he had damaged the telematics RFID machine and/or wire.

14.6. One of the arguments advanced by PC Hallam was that there was no evidence to support the proposition that what he did was to damage the RFID machine and/or wire. It was asserted that the AA had not placed any evidence before the Panel to show how it came to be that the Kuga arrived at the workshop on 15 May 2023 and for what reason. In the 7-week period between 26 March and 15 May the Kuga had been driven about 3,000 miles. The records showed that PC Hallam had not driven the vehicle since the incident. It was pointed out that if the vehicle had gone to the workshop the day after the incident, then there would have been a clearer chain of causation.

14.7 The Panel took into account the description provided by PC Hallam of what he did as set out in his PSD interview namely that he applied *“some pressure to see whether the clamp [on the telematics reader] is a click box seal to the RFID reader”*. He was not authorised to work on the telematics system; however, he used a tool that he had brought with him to work. The telematics were working when PC [REDACTED] used his card on the reader and the bleeping noise stopped. The evidence from PC [REDACTED] on this point was not in dispute. The Panel further noted that the RFID reader ceased to work on the same evening that PC [REDACTED] had seen PC Hallam reach up to the reader namely at 23:23 hours on 26 March.

14.8 The Panel considered that it was reasonable and appropriate to draw the inference that the telematics machine reader stopped functioning as a result of the actions that PC Hallam took in that it was not meant to be “off” and not recording as it was for the rest of the shift. It stopped collecting information from that point in time until it was taken to the workshop. It was reasonable to deduce that what PC Hallam did, disabled the proper functioning of the telematics in the vehicle. Although in the intervening period the vehicle was used by others this was damage of a specific type to a particular part of the vehicle. The Panel concluded that notwithstanding the time period and mileage concerned that it was improbable that other vehicle users would cause additional or further damage to the RFID reader, the backing plate or its wiring, especially when there would be no issue in respect of a “bleeping” noise.

14.9 The Panel found that as a consequence of his actions PC Hallam did damage the telematics when using the tool forcefully or in his words when “applying some pressure” and it is on this basis that allegation **1(d) is proved**.

14.10 The Panel next considered whether the action of PC Hallam was deliberate. This was denied by PC Hallam. The Panel noted that the Officer made a deliberate intervention to stop the bleeping. He went to get a tool from his bag and made a conscious decision to attempt to resolve the issue. In the view of the Panel the language that he admitted using namely, “fuck it” and “problem solved” were manifestations of the frustration that the Officer felt because the telematics were not working and this was not the first time that this had happened to him. The Panel concluded that PC Hallam did not set out to cause damage but rather he was reckless as to whether damage would be caused. Upon his own evidence as someone who had worked as an electrician, he must have been aware of the risk that he was taking that damage would be caused by his use of the tool to apply pressure and force in the manner that he did. Having regard to this the Panel find **allegation (e) not proved**.

14.11 Having found that PC Hallam had not acted deliberately the Panel went on to consider whether the Officer cut the wire on the telematics RFID machine. Elsewhere in this document the Panel sets out the evidence of PC [REDACTED] on this matter. The Panel concluded that PC [REDACTED] was a witness who was trying his honest best to assist. It must have been difficult for PC [REDACTED] to give a statement about PC Hallam who was his supervisor and tutored him as a student officer. The Panel acknowledge that PC [REDACTED] did the right thing in this regard. Nevertheless, as PC [REDACTED] said at the time and repeated when giving evidence, he did not have the best view of what PC Hallam was doing. He was not forewarned as to what PC Hallam was going to do, it was dark outside, he had a view which was partially blocked and the incident lasted according to him a period of 5-10 seconds. He could not describe the tool that was used. In addition, it was clear to the Panel that PC [REDACTED] reflected in his statement some of the language that he saw in an email from Mr [REDACTED] which referenced “cutting” and described the type of tool which could have been used. Furthermore, in his emails to PSD, PC [REDACTED] had used terms such as “playing with the box”, “disconnection” and “fiddling” which were not terms that he used in his formal witness statement. When giving evidence PC [REDACTED] who was a persuasive witness, striving his hardest to be fair and accurate, acknowledged the difference in language. This did impact on the weight that the Panel could give his evidence on this aspect of the matter.

14.12 The Panel found the evidence presented in relation to this aspect of the matter to be inconclusive. The Panel are satisfied on the evidence that PC Hallam may well have trapped and perhaps even severed a wire when he did what he did. There is however no evidence of a “snip” or a “cut” of the wire made by PC Hallam and PC [REDACTED] could not assist in this regard. It therefore follows that the Panel find allegation **(f) not proved**.

14.13 The Panel noted the admission from PC Hallam that he used words to the effect of “fuck it” and / or “problem solved” and accordingly find allegation **(g) proved**.

14.14 The Panel further noted the admission from PC Hallam that the bleeping noise that the machine was making stopped and so found allegation **(h) proved**. PC Hallam did not accept that the vehicle was damaged as a result of his actions. This was because he said that there was no causal link between his actions and the damage caused. As set out above, the Panel considered this point and found that there was a reasonable inference to draw that the bleeping stopped because of the actions taken by the Officer and this did result in damage to the machine. The Panel noted that during his evidence PC Hallam did not even acknowledge the possibility that what he did could have caused damage. The Panel found this surprising given how PC Hallam used a tool not designed specifically for the purpose it was put to, and the admission about using “some pressure”. PC Hallam did not seem to want to connect what he did with the bleeping stopping. His use of the words “fuck it” followed by “problem solved” undermined the position that he took in this regard. Having regard to all the above, the Panel find allegation **(i) proved**

Allegation 2

15.1 It was not disputed that on or around 15/16 May 2023 the Ford Kuga vehicle registration plate [REDACTED] E, was presented to Blackpole workshops for a service.

15.2 The Panel noted that the evidence of Mr [REDACTED] was not challenged and accordingly found the following matters **proved** on the basis of his evidence:

- a) The RFID had had its cable cut;
- b) The cutting of the wire had caused the tracking unit's main ignition fuse to blow internally;
- c) The backing plate was damaged;
- d) The cost of repairs came to approximately £230.

Allegation 3

16.1 It was not disputed that on or around 2 May 2023, PC Hallam attended a training day in Worcester and drove a PSU van VRM V [REDACTED] O.

16.2 The Panel noted that the evidence of PC [REDACTED] was not challenged and PC Hallam made admissions and accordingly found the following matters **proved** on the basis of that evidence:

- a) The telematics audio would not turn off;
- b) PC Hallam asked PC [REDACTED] for a pair of scissors;
- c) PC Hallam used these scissors to cut a wire on the telematics;
- d) This was deliberate;
- e) PC Hallam tucked the wire behind the reader;
- f) The machine continued to make a bleeping sound;
- g) This cost was in the region of £52 + VAT (£62.40) to repair and / or replace.

Allegation 4 and 4 a

17.1 The Panel considered in light of its findings in relation to Allegations 1 and/or 3 whether PC Hallam knew, or ought to have known that by his actions the wire and /or telematics machine would be damaged and would need repairing. The Panel took account of the fact that PC Hallam had worked as an electrician and had some knowledge of telematics.

17.2 Allegation 1 relates to the Kuga. The Panel have found that PC Hallam damaged the telematics but the evidence in relation to the wire was unsatisfactory. The Panel concluded that PC Hallam was somewhat overconfident that he could sort or fix the problem of the bleeping – he went to get a tool, did not tell PC [REDACTED] what he was going to do and took action. The Panel conclude that with his knowledge he ought to have known there would be damage which needed repairing.

17.3. Allegation 3 relates to the PSU van. In this instance PC Hallam deliberately cut the wire with a pair of scissors. With his knowledge of electronics and telematics he

must have known or ought to have known that the telematics would be damaged and need repair and the wire which had been cut would need to be replaced.

17.4. Having regard to the above the Panel find Allegations 4 and 4 a **proved** on the basis set out above.

Engagement of the Standards

18.1 The AA alleged that the following Standards were breached by the conduct of the Officer:

Duties and Responsibilities

18.2 According to this Standard, Police officers will be diligent in the exercise of their duties and responsibilities. An officer must carry out his duties and obligations to the best of his ability and take full responsibility for and be prepared to explain and justify his actions and decisions.

18.3 The Panel noted that the reason that PC Hallam said he needed to drive the Kuga without PC [REDACTED] being present was so he could keep an appointment with a member of staff in Worcester. He made a poor choice in this regard as this was not an urgent matter but that by itself is not enough to engage the Standard.

18.4 In terms of the faulty telematics on the Kuga there was a clear process to be followed - the matter should have been reported. PC Hallam assumed a responsibility that was not his and he was not authorised to act in the way that he did to try and sort out the problem in the manner that he did. The Panel concluded that thereafter he did not as a supervisor fully take responsibility for his actions, for example he did not follow up on the message he left on the whiteboard, or report the actions he had undertaken.

18.5 Similar considerations in terms of the assumption of responsibility, lack of reporting and follow-through apply to how PC Hallam dealt with the issue of the cutting of the wire on the PSU van. Putting a message on a white board was not reporting the matter through the proper channels which for some reason PC Hallam seemed to be reluctant to do as an alternative course of action.

18.6 Having regard to the above the Panel conclude that this Standard is engaged and breached.

Discreditable Conduct

18.7 According to this Standard Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

18.8 In order to prove a breach of the Standard relating to Discreditable Conduct, it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient of the officer's behaviour had the potential to do so.

18.9 In the view of the Panel the public would not expect PC Hallam to act as he did in relation to the Kuga. He is an experienced officer. PC Hallam cannot pick and choose which policies apply to him. The Panel noted that in his written statement PC [REDACTED]

said that he was still “shocked” and “surprised” by the actions taken by someone with PC Hallam’s rank (as Temporary Sergeant) and experience. The Policy around telematics is rooted in safety considerations in respect of police drivers, vehicles and the public. The AA made the point that if he took matters into his own hands which he did on this occasion then how can the public be assured about how he conducts himself more generally.

18.10 In relation to the PSU Van similar considerations apply. The cutting of the wire showed a somewhat cavalier attitude to solving the problem that he faced. The public would, whilst no doubt taking account of context, be concerned about an Officer who takes it upon himself not to follow the rules.

18.11 Having regard to the above the Panel conclude that this Standard is engaged and breached.

19. Gross Misconduct or Misconduct or Neither

19.1 Under the 2020 Regulations, “misconduct” means a breach of the Standards of Professional Behaviour so serious as to justify disciplinary action” and “gross misconduct” means a breach of the Standards of Professional Behaviour that is “so serious as to justify dismissal”.

19.2 The Panel first of all considered each of the incidents on an individual basis.

19.3 The Panel first of all considered the conduct in relation to the Kuga. The actions that PC Hallam took in relation to the telematics were reckless. He compounded his error by not following process. The fact that he was in a supervisory role and his conduct was witnessed by a student officer is an aggravating aspect of the matter. However, the Panel have found that PC Hallam did not act deliberately when he damaged the telematics. On the other hand, it would appear his frustration got the better of him. In the circumstances the Panel concluded that there are some features to this conduct which would justify disciplinary action rather than a learning/reflective type of intervention. The conduct in relation to the Kuga on its own does cross the threshold for misconduct, albeit the Panel recognise that it is at the lower end of the spectrum.

19.4 The Panel then considered the matter of the damage to the wire on the PSU van. This occurred some 6 to 7 weeks after the Kuga matter and is more serious-it involves a deliberate act. It was done in front of a junior colleague and others. The Panel were troubled by the fact that PC Hallam was again in a position of responsibility and should have been acting as role model. It would perhaps be a stretch to say that a pattern of behaviour was emerging save to say that the damage caused was as a result of the same background feature namely the frustration that PC Hallam had with the telematics system not working. It appears to the Panel that using the scissors in the way that he did to make the cut to the wire was an escalation in his approach to such matters. Notwithstanding this the Panel concluded that the Misconduct category was a broad one and whilst the conduct with the PSU van was more serious than the one with the Kuga it did not on its own cross the threshold for Gross Misconduct. The assessment of the Panel was that the conduct was, however, sufficient to justify disciplinary action and so categorised it as Misconduct.

19.5 The Panel went on to consider whether to aggregate the conduct relating to the 2 vehicles together so as to see whether in combination they amounted to Gross Misconduct. The Panel briefly consulted the College of Policing Outcome Guidance to the extent that it noted that these are matters which are not categorised as being “especially serious”. There was no element of personal gain for PC Hallam in doing what he did. In relation to both incidents PC Hallam wanted to use the vehicles for legitimate policing purposes and in respect of the PSU was under some time pressure to get the shift to “mandatory” training. The financial loss to the force was limited. There was a context to PC Hallam acting in the way that he did. Taking everything in the round the Panel considered that even with the matters being aggregated together the conduct admitted and proved fell just short of a breach so serious as to justify dismissal.

19.6 This is a matter of **Misconduct**.

IN THE FOLLOWING PARAGRAPHS THE PANEL DECIDE ON OUTCOME

Outcome

20.1 In terms of its approach to outcome the Panel was reminded of and reviewed the latest version of College of Policing Guidance on outcomes in police misconduct proceedings (‘the Guidance’). The Panel considered the three-stage, structured approach referenced in Fuglers LLP v SRA [2014] EWHC 179 (Admin).

20.2 The three-stage process set out in the Guidance on page 15, is as follows: Stage 1: assess the seriousness of the misconduct by reference to: (i) the officer’s culpability for the misconduct; (ii) the harm caused by the misconduct; (iii) the existence of any aggravating factors; (iv) the existence of any mitigating factors. Stage 2: keep in mind the purpose of imposing disciplinary action. Stage 3: choose the disciplinary action which most appropriately fulfils that purpose for the seriousness of the conduct in question.

20.3 The Panel kept in mind at all stages the three-fold purpose of imposing disciplinary action in police misconduct proceedings.

Stage 1 Seriousness:

20.4 Stage 1 requires an assessment of the seriousness of the Officer’s conduct which was found proven taking into account culpability, harm, aggravating and mitigating factors. The Guidance explains (paragraph 4.1) that “assessing the seriousness of conduct lies at the heart of the decision on outcome...”.

Culpability

20.5 Culpability is dealt with in the Guidance (page 16 onwards). The Guidance explains that:

[4.9] “*Culpability denotes the officer’s blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome*”.

The Panel examined paragraphs [4.10] and [4.11] of the Guidance which are set out below:

[4.10] *“Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer’s actions will be relevant to the harm caused”.*

[4.11] *“Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm”.*

20.6 The Panel recognised that the conduct took place in a particular context.

20.7 The Panel considered that PC Hallam was in a position of responsibility.

20.8 The Panel found that the conduct of PC Hallam in relation to the PSU Van was deliberate. His action in relation to the Kuga were reckless and he could reasonably have foreseen the risk of the damage.

20.9 Taking account of the deliberate nature of the act in relation to the PSU Van, the reckless nature of the act in relation to the Kuga and his position of responsibility the Panel assess the level of culpability as **High/Medium** in the context of a matter of misconduct.

Harm

20.10 Harm is dealt with in the Guidance from page 27 onwards. It is clear that there are two relevant types of harm: (i) harm to a defined individual; and (ii) harm to the public confidence.

20.11 In this case, there was no evidence of clear harm to an identified individual. There was damage to property. The cost of the repairs to the Kuga was about £ 230. The cost of repair to the PSU Van was in the region of £ 52+VAT (62.40) to repair and/or replace.

20.12 In addition to the above the Panel noted the Guidance at [4.69]: *“How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time.”*

20.13 Turning to the issue of public confidence a member of the public, knowing all the relevant facts, would be troubled by the acts of damage and the potential consequences of officers driving vehicles where no telematic data was being recorded. The public have high expectations about how officers conduct themselves.

20.14 Having regard to the above the Panel assess the level of harm as **High/Medium** in the context of a matter of misconduct.

Aggravating Factors

20.15 The Panel identified the following aggravating features:

- Deliberate damage to property in relation to the PSU van;

- Significant deviation from instructions (in this case a force policy);
- Being in the position of being a supervisor;
- The fact that the conduct was witnessed by junior colleagues;
- Two similar incidents occurred within the space of 6-7 weeks.

Mitigating Factors

20.16 The Panel identified the following mitigating factors:

- This was not a case of abuse of trust;
- The misconduct was not a case of him misusing his position as a Temporary Sergeant;
- PC Hallam was not acting selfishly – he was using the vehicles for legitimate policing purposes;
- PC Hallam did make some admissions.

Double Counting

20.17 The Panel have taken care not to double count the aggravating features with the assessment of culpability and harm set out above and now turn to the assessment of seriousness.

Conclusion on Seriousness

20.18 The Panel considered whether the aggravating/mitigating factors identified above adjusted the level of seriousness identified in this matter in respect of the assessments made in relation to culpability and harm. A significant aggravating feature attaching to the conduct found proven was that it took place in front of junior colleagues (who were uncomfortable with his actions and had to make statements to investigators). He should have known better and as an experienced officer should have been a role model. PC Hallam's actions were a deviation from a force policy. The Panel concluded that having regard to all the above the level of seriousness for this matter of misconduct merited adjustment to **High** and was therefore at the top end of the gravity scale for a matter of misconduct.

Personal Mitigation

20.19 PC Hallam provided a bundle of character references. There were 5 references from current and serving officers of police constable rank. The referees were in the main officers who had recently joined West Mercia Police. They were all aware in general terms of the allegations that PC Hallam faced. The referees related how PC Hallam had

carried out his responsibilities as a tutor well and assisted officers in the early stages of their career. Two examples of what these referees said are set out below:

20.20 One officer said: *"I met PC Hallam properly when he became my Acting Sergeant he is very approachable makes no question on seem silly and has all the time for anybody who needs ithe was proactive in the respect he would look in your basket and offer advice on what to do with crimes and the best way to deal with things....."*

20.21 Another officer said: *"Simon has helped me so much in the time that I have known him whether it be an ear to listen when I have been unsure or needing some support. I have also seen Simon tutoring others, guiding them, supporting them, and growing their confidence which is lovely to see"*.

20.22 The Panel read and took account of the "Background Document" prepared by the Officer which set out the history of his police career and referenced the fact that PC Hallam was Officer of the Year in 2014. This document also referenced aspects of PC Hallam's personal and family circumstances as part of the mitigating background.

20.23 The Panel took note of the Record of Service for PC Hallam.

20.24 Ms Hinton told the Panel that on 15 November 2021 PC Hallam appeared at a misconduct meeting and was given a Written Warning for 18 months for a breach of the Standard of Duties and Responsibilities. This Written Warning was "live" at the time of the misconduct under consideration but had expired immediately prior to the risk assessment. This meant a written warning was still available to the Panel, as well as a final written warning.

20.25 The Panel reminded themselves of the dicta of Holroyde J in R (Williams) v Police Appeals Tribunal [2016] EWHC 2708 (Admin) (a case where gross misconduct was found) where he said: *"In my judgment, the importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation."*

Stage 2: Purposes of imposing disciplinary action

20.26 The Panel kept in mind the purpose of imposing disciplinary action in police misconduct proceedings namely:

- The primary purpose is to maintain the public confidence in and the reputation of policing;
- The second purpose is the declaratory purpose of maintaining high standards in policing and to deter misconduct;
- The third purpose is to protect the public

20.27 The Panel concluded that in this case public confidence in and the reputation of policing was key. In addition, this was a case where PC Hallam had not displayed the high standards required of him and so the declaratory purpose also features as well as the need to protect the public in the sense of disregard for systems provided to protect officers and public.

Stage 3: Appropriate disciplinary action in this case.

20.28 The Panel reminded itself again that misconduct proceedings are not designed to punish police officers – the Panel are essentially concerned with the reputation of the profession rather than punishment.

20.29 The Panel took account of the personal mitigation of the Officer to the extent consistent with case law and the dicta in the case of Williams as set out above.

20.30 The Panel took the view that the personal mitigation offered by PC Hallam carried little weight having regard to the fact that what PC Hallam did on two occasions would have a significant detrimental impact on public confidence. As a long serving officer, he should have known as well as anyone that his actions fell below the required standard.

20.31 The Panel had found that he had acted in a cavalier manner and recklessly/deliberately damaged property in front of junior officers.

20.32 The fact of there being a written warning in the Officer's recent history for a breach of one of the same Standards in play in this case was considered relevant by the Panel. It decreased the likelihood of a further written warning being effective in maintaining public confidence, upholding standards or protecting the public.

20.33 Having regard to the all the above the Panel concluded that a written warning would not be an appropriate sanction having regard to the threefold purpose of misconduct proceedings and the assessment of seriousness in this case. In particular, it would not be sufficient to maintain public confidence in the police service and therefore a **Final Written Warning** (FWW) was the appropriate and proportionate outcome.

The Length of the Final Written Warning

20.34 Mr Summers said the submissions he had made on mitigating factors and personal mitigation applied equally to the matter of the length of any FWW. The Panel had regard to paragraph 11.127 of the Home Office Guidance which sets out that when considering the length of time that the final written warning should stay on the officer's record, the Panel should take into account: a) the seriousness of the conduct, b) the circumstances that gave rise to the misconduct, c) the public interest, d) the mitigation offered by the Officer including previous record of conduct.

20.35 Taking each of these in turn:

- a) The Panel did conclude that this was a matter of misconduct that just fell short of being a matter of gross misconduct. When conducting its analysis of seriousness at paragraph 20.18 above, the Panel had decided that this was a matter that ranked at the level of high seriousness for a matter of misconduct;

b) The circumstances that gave rise to the misconduct have been explored in this document and whilst they do offer some context which could be seen to offer some mitigation on the facts, this is outweighed by the fact that PC Hallam did not act as a role model should and was cavalier in his approach and impetuous in his actions. This misconduct involved damaging 2 vehicles in a relatively short period of time with PC Hallam ignoring a force policy. The Panel reminded itself that PC [REDACTED] said: *"I feel let down by an officer who is senior to me and has a significant level of service that I should be able to look to as an example and for help and support"*. PC [REDACTED] said he was *"shocked"*, *"surprised"* and *"confused"* by the actions of PC Hallam;

c) The Panel revisited the matter of the public interest and reminded itself of the three-fold purpose of misconduct proceedings noting that a factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole;

d) The Panel again noted the personal mitigation offered by PC Hallam as set out in the references and the Background Document. However, as a counterbalance to this it bore in mind the full and complete conduct history of the Officer which included the previous written warning – this previous finding was relevant to outcome as noted at paragraph 20.32 above.

20.36 Having regard to all the above the Panel concluded it was appropriate and proportionate that the FWW should stay on PC Hallam's record for **3 years**. This reinforces the declaratory purpose of these proceedings and addresses the public confidence and public safety issues highlighted.

ASSISTANT CHIEF CONSTABLE: GRANT WILLS

INDEPENDENT PANEL MEMBER: CHRIS GREEN

INDEPENDENT PANEL MEMBER: MARSHA PEARSON

31 JANUARY 2025

