



Memorandum

From: Chief Constable Pippa Mills

To: Former PC 1921 GARLAND

Our Ref: CM/110/21

Date: 14th August 2023

FINDINGS FORM

ACCELERATED MISCONDUCT HEARING – Former PC 1921 Marcus GARLAND

14th August 2023: Police Headquarters, Hindlip Hall

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

Hearing members:

Chair: Chief Constable Pippa Mills

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

1. *Between the 7th September 2021 and the 24th September 2021 you pursued a course of conduct towards a female who you knew, or ought to have known, was a vulnerable person when you knew, or ought to have known, that your conduct was inappropriate and an abuse of your position as a police officer, contrary to paragraph 4.0, West Mercia Policy WMP139 (Notifiable and Vulnerable Association) by sending the female multiple mobile phone text messages and images of a sexual and explicit nature.*
2. *On the 7th March 2022, you were dishonest and obstructive in your dealings with West Mercia Police PSD Investigators and your supervisor [REDACTED] in that when asked to produce your personal mobile phone in connection with an ongoing criminal investigation, you denied being in possession of the device and informed them the device was broken and had been sent to "EE" three or four days earlier, when you knew this was wholly untrue and you were in possession of the phone.*

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

- **Honesty and Integrity** in that you were wholly dishonest in your dealings with West Mercia Police PSD Investigators and [REDACTED] on the 7th March 2022 when requested to produce your personal mobile phone.
- **Authority, Respect and Courtesy** in that you failed to treat a female vulnerable person, between 7th September 2021 and 13th October 2021, with respect and courtesy, by sending her multiple mobile text messages and images of a sexual and explicit nature.
- **Orders and Instructions** in that you failed to comply with the terms of paragraph 4.0 of West Mercia Police Policy WMP139 on Notifiable and Vulnerable Association.
- **Discreditable conduct** in that your behaviour towards a female undermines public trust and confidence in West Mercia Police.

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

Findings:

The conduct amounts to gross misconduct.

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

In relation to the first allegation I have received no response from former PC Garland The Federation Representative, Sgt. Nightingale confirmed today that the former officer did not admit nor deny the allegation; he had received no further instructions When interviewed a prepared statement was submitted. The former officer accepted he sent text messages and images of a sexual nature However, he did not consider the contact with the victim to be work or duty related I do not accept this assertion I am satisfied that the former officer knew that the female victim was vulnerable due to the specific circumstances of their initial meeting and subsequent contact I find that former PC Garland breached the relevant West Mercia Police Policy and abused his position as a police officer

In relation to the second allegation. I have read the response prepared and submitted on behalf of former PC Garland and note that the officer admitted that his behaviour in providing a dishonest account concerning the whereabouts of his mobile phone was a breach of the Standards of Professional Behaviour and he accepted that this amounts to gross misconduct

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Disciplinary action to be imposed:

I have considered the 2023 College of Policing Guidance on Outcomes in Police Misconduct Proceeding. 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.

The contact with the victim in question related to both on duty and off-duty conduct. I find a high level of culpability and you were in a position of trust. There had been contact over a period of time. You were fully aware of the vulnerable status of the victim. The number of text messages and the sexually explicit nature of those text messages, demonstrated your predatory behaviour. I have no doubt there were more messages on your personal mobile which was deliberately withheld for examination. Your dishonest behaviour in concealing this phone I find particularly serious. Honesty and integrity are fundamental requirements for any police officer.

In relation to the harm caused, the victim described feeling shocked by the content of some of your messages.

The nature of the office of constable means that all police officers are in a position of trust and authority in relation to members of the public. You were trained to help such vulnerable victims. Instead you chose to abuse your position. The abuse of position for a sexual purpose is a form of serious corruption and such conduct causes substantial damage to public trust and confidence in the police.

I am very conscious that policing has come under local and national scrutiny through high-profile cases where there has been a failing to prevent or protect women and girls from abuse and where such abuse has been perpetrated by those serving in the police. Misconduct of this nature is wholly unacceptable.

The aggravating features in this case include: the vulnerability of the victim; the abuse of your position of trust and the deliberate concealing of potential evidence.

In relation to mitigation, your prepared statement read when interviewed gave limited admissions. I have considered the written response provided by your Federation Representative. I note that you joined West Mercia Police in April 2007. You were suspended from duty in March 2022 and resigned from West Mercia Police in February 2023.

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.

Your actions have discredited West Mercia Police. As the College of Policing Guidance states - In relation to public confidence, where gross misconduct has been found and the behaviour caused both serious harm to an individual and public confidence in the police service, dismissal is likely to follow.

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The disciplinary finding imposed is that you would have been dismissed if you had not ceased to be a member of West Mercia Police force. As a consequence of this finding, your name will be included on the Barred List held by College of Policing.

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

Signed:

Chief Constable Pippa Mills

Date: 14/08/2023

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

You have a right of appeal against the finding. Should you wish to exercise this right you must do so in writing to the Chairperson 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. The officer has the right to be legally represented at the appeal hearing.

Form of receipt to be completed by officer or Federation Representative:

I acknowledge receipt of this written notice of the misconduct proceedings, dated 14th August 2023 of which this is a true copy.

Signed.....

Date.....