



memorandum

From: T/Chief Constable Alex Murray
To: Former PC 22049 William WEIR
Our Ref: cm/74/23
Date: 7th June 2024

FINDINGS and OUTCOME FORM

ACCELERATED MISCONDUCT HEARING – former PC 22049 William WEIR 7th June 2024: Hindlip Hall, Hindlip Headquarters

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

Hearing members:

Chair: T/ Chief Constable Alex Murray

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

On the 5th August 2023 you were on call within Task Force as a Firearms Officer (a safety critical role). There was cause to conduct a breath test on you in accordance with force policy. The breath test gave a reading of 43 micrograms of alcohol per 100ml of breath. This reading was well above (3x) the 13 micrograms allowed per 100ml of breath allowed for safety critical roles.

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

Fitness for work: in that you consumed alcohol while you knew or ought to have known that you were on call. You had allowed yourself to become unfit for duty through the consumption of alcohol. As per the allegations above, your breath test gave a reading that was 3x above the prescribed limit. You therefore were unfit for work.

Duties and Responsibilities: in that you consumed alcohol while you knew or ought to have known that you were on call. The level of alcohol in your breath was such that you would not have been able to carry out your duties/responsibilities diligently.

Discreditable Conduct: in that your behaviour as set out above is likely to discredit the police service and/or severely undermined public confidence in it.

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 finding:

In his Regulation 54 response, former officer Weir accepted that his conduct amounted to misconduct, but not gross misconduct

The former officer was in a 'safety critical role' and on the relevant date, was on call within Task Force as a firearms officer West Mercia Police Drugs and Alcohol policy sets out that, "*an individual will be presumed unfit to work in a safety critical role if they have 13 micrograms of alcohol in 100 millilitres of breath or more.*" Former officer Weir failed to follow relevant force policies He was over three times the 13mg limit for a safety critical role Being on call, with a Task Force vehicle parked at his address, former officer Weir was required to be fit for duty He was fully aware that he could have been called out at any given point in time.

In the circumstances, I find that the former officer has breached the Standards of Professional Behaviour, in respect of 'fitness to work' and 'discreditable conduct' and I am satisfied that the conduct amounts to gross misconduct.

Disciplinary action to be imposed:

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

I have taken the three-stage process to my decision making today 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.

I find culpability here as the former officer chose to consume alcohol Alcohol misuse can lead to impaired performance and an increased risk This could have serious consequences for members of the public, that are aggravated because of the levels of responsibility accepted by authorised firearms officers

The West Mercia Police Procedure on drug and alcohol misuse encourages officers to seek help and support at an early stage (prior to any testing) and those officers who volunteer alcohol misuse problems are dealt with sympathetically Former PC Weir failed to follow force policy and accept personal responsibility here to self-refer.

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The aggravating factors here then are as follows:

Former PC Weir was a specialist firearms officer, who was highly trained, accredited and authorised to carry firearms. He carried an elevated level of responsibility. He would know that responsibility.

There was a significant deviation from instructions, whether an order, force policy or national guidance.

To this extent his culpability is clear.

Mitigating factors here include that points made by DI WILLIAMS representing former PC WEIR.

No explicit harm came as a result of this incident, however the former PC WEIR must have been able to foresee the potential harm that could have been caused.

I agree that this incident was unlikely to be deliberate, targeted or planned. I find it unlikely to have been intentional – albeit the consumption of alcohol clearly requires an intent.

This appears to be a one-off incident.

I acknowledge his immediate contrition and subsequent resignation.

I have noted the exceptionally difficult circumstances PC WEIR was experiencing at the time.

I have heard from DI Williams representations regarding his Military service and have read the officer's personal record.

I do not accept the argument that there is no relevant force policy. In the hearing today I have made reference to the drug and alcohol misuse procedure for West Mercia Police (p12). In addition there is the task force vehicle usage guidance that states 'the on-call requirements for Task Force are to be able to respond within 45 minutes at normal driving conditions'.

As the College of Policing Guidance states, 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.

On all three counts I see there being merit:

- a. The public must be reassured that officers on duty (whether at work or obviously on call) should be fit for work and unimpaired.
- b. That standards must be maintained in this area – and that message needs to be made loud and clear to all members of staff.
- c. And that the public should be protected. All officers and AFO's must not be subject to impairment for obvious reasons.

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It is clear that former PC WEIR has an exemplary record and I wholly accept that this is not an issue of dishonesty, there was no malign intent such as sexual gratification, financial gain or personal advantage. There was no violence and no discrimination. The circumstances of this case are sad and the officers should be proud of his previous service and what he can continue to offer in other areas. I am though assured this decision is appropriate when considering the purpose of misconduct regime around public confidence, deterrence and the protection of the public.

The personal mitigation given by former PC WEIR is strong but I quote Kay in the case of Salter '*because of the importance of public confidence, the potential of such mitigation is necessarily limited*'.

The outcome today is that former officer Weir would have been dismissed if he had not ceased to be a member of West Mercia Police force. As a consequence of this finding, former PC Weir's 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 the officer's personal record was considered before a decision was reached on any disciplinary action to be imposed.

Signed:

T/Chief Constable Alex Murray

Date: 07/06/2024

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

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

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

I acknowledge receipt of this written notice of the misconduct proceedings, dated 7th June 2024 of which this is a true copy.

Signed.....

Date.....