



Warwickshire
POLICE

ACCELERATED MISCONDUCT HEARING –

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 misconduct proceedings.

Chair: Chief Constable Alex Franklin-Smith

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

Alleged Conduct

On 7 July 2024, you created a TikTok video of 35 seconds duration, using your personal account, entitled WARWICKSHIRE FIREARMS RECRUITMENT.

The video included:

i) Text and image: WARWICKSHIRE FIREARMS RECRUITMENT, above an image of the force logo, edited to show the bear leaning over defecating.

ii) Text:

‘DO YOU WANT TO PUT AWAY BAD GUYS AND TAKE GUNS OFF THE STREET EVERYDAY?’

‘FED UP OF TOO MANY RD’S AND WANT THE JOB TO CANCEL SOME FOR YOU?’

‘WANT TO WORK WITH A CRACK TEAM OF ELITE TIER ONE OPERATORS?’.

iii) Still photographs and video clips: which contain images of Warwickshire Police Authorised Firearms Officers whilst on duty, in uniform, some of which show the faces and shoulder numbers of officers.

iv) Image: two police officers with clown faces superimposed,

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v) Text and Image: the force logo (edited as previously described) and 'WARWICKSHIRE POLICE', with the text underneath reading 'BETTER THAN NOTHING'.

vi) Music: the video is set to the song 'Bad Boys' by Inner Circle.

On the same date, you then shared the above TikTok video on a WhatsApp group with other officers. The video was then circulated outside of Warwickshire Police by one of those officers.

These allegations are proven and were admitted as gross misconduct

The Standards of Professional Behaviour alleged to have been breached were as follows:

Orders and Instructions - your conduct failed to abide by Warwickshire Police Force Mobile Device & Social Media Policy.

Duties and Responsibilities - your conduct demonstrated a lack of diligence in the exercise of your duties and responsibilities.

Confidentiality - your conduct failed to treat information relating to the Force, your role, duties and your colleagues with respect, and such information was not disclosed in the proper course of your duties.

Discreditable Conduct – you behaved in a manner which risked bringing discredit on the police service and undermining public confidence in policing.

In accordance with Regulation 61(15) and (16) of the Police (Conduct) Regulations 2020, the persons conducting the special case proceedings shall review the facts of the case and decide on the balance of probabilities whether or not the conduct of the officer concerned amounts to gross misconduct.

Findings:

In his regulation 54 response, and again before me in the hearing, PC Noy admitted the allegations as drafted and further that his conduct amounted to gross misconduct. I accordingly found that his conduct did indeed amount to gross misconduct per regulation 61(16).

My finding on outcome is that PC Noy should be subject to a Final Written Warning extended to 3 years.

RECORD OF DECISION

Paragraph 2.3 of the CoP Guidance reminds me that

The purpose of the police misconduct regime is threefold:

1. to maintain public confidence in, and the reputation of, the police service
2. to uphold high standards in policing and to deter misconduct, and
3. to protect the public.

I have found GM as alleged and as admitted.

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Bearing in mind the definition of gross misconduct, I have absolutely no doubt that this is conduct for which an officer could be dismissed.

I accept that the CoP guidelines are guidelines. It is not a route map, but nonetheless I will follow the structure set out in that Guidance in order to provide clarity and transparency to my decision making.

My decision, as agreed between counsel for the AA and PC Noy's counsel, is whether this is a case that can appropriately be dealt with by a final ww (of between 2 to 5 years) or whether only dismissal without notice will do justice to the facts of this case.

In order to answer that question, I have considered the 4 ingredients set out in the CoP guidance, namely Culpability, Harm, Aggravating factors and Mitigating factors.

I do so having been greatly assisted by the very thorough submissions made both in writing and orally before me by both advocates.

Culpability

PC Noy was the creator of the video and he alone decided to publish it amongst his colleagues.

He was entirely responsible for his actions and I find a high degree of culpability.

Harm

There is no evidence of actual harm having been caused by such conduct but the potential for harm is considerable, even though I accept this was a spoof and intended to boost morale amongst his colleagues.

Set against that however, is the fact that in compiling this video, PC Noy chose to damage the wider name of the force by reproducing the image of the bear defecating and using the name Warwickshire rather than Warwickshire Police; this was a wider comment on the force and potentially undermines all of his colleagues and the many hundreds of officers staff and volunteers that work to protect the communities of Warwickshire. This immature editing thereby rather undermines the apparent pride and dedication he has in being an officer of this force.

I accept that this conduct was extremely unprofessional and immature. The potential for harm would be significant as it discloses unprofessionalism amongst one of our elite operational teams. The possibility of auto delete was mentioned for the first time before me in the hearing, but I am more concerned that this video appears to still to be 'at large' and there is the ongoing possibility that it may yet be published elsewhere in future. This remains a possibility with potential reputational harm and the resulting loss of public confidence; I find a high degree of potential harm.

Aggravating factors

I must beware of double counting. Given my findings on culpability, I do not see that pre-meditation and planning aggravates PC Noy's culpability.

However, I am concerned by this significant deviation from force policy given that he had recently undertaken the annual integrity health check, in which he confirmed he fully understood the force policy on mobile devices and social media.

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I do not find the ‘Multiple proven breaches of the standards of professional behaviour’ to be an aggravating factor and accept the analysis of Mr Baumber on this particular point as there are many strands of the Standards cited that overlap in this case. The simple aggregation of the number of individual Standards invoked does not aggravate matters in this case.

Mitigating Factors

This was a single video compiled over a short period and intended to have only a short distribution list – although as above I am concerned about it still being at large.

I note PC Noy’s open admissions at an early stage and the steps he took to rectify what he quickly realised was a highly unprofessional act.

I am satisfied by his response that his remorse is genuine, that he has developed some insight into his own immaturity and unprofessionalism and has accepted responsibility for his actions.

Assessment

Therefore my overall assessment of the conduct is that I find this to be highly unprofessional and absolutely not the conduct I would expect from people in our force, especially those working in a highly specialised area of policing. I have considered PC Noy’s record of service, his personal mitigation and have read his character evidence with care, noting in particular his two CC commendations.

I have also noted that he has continued to work for the organisation whilst the threat of these proceedings has hung over him.

I remind myself that I must consider less severe outcomes before more severe outcomes and come to a decision on outcome that deals adequately with the issues identified while protecting the public interest.

I have wrestled with this case and I have asked myself is it necessary to dismiss an officer who has so badly let down the image that this force seeks to project and where necessary to repair.

I am just persuaded that he remains of value to those whom we serve and in my judgement I can deal adequately with this matter by way a final written warning extended to 3 years.

I confirm that the above is correctly recorded.

Chief Constable Alex Franklin-Smith



Signed:

Date: 14/02/25