

IN THE MATTER OF AN APPEAL TO A POLICE APPEALS TRIBUNAL
IN THE MATTER OF FORMER PC JESSICA HAMER

WRITTEN JUDGEMENT

ALLEGATIONS

1. We will refer to Ms Hamer as ‘the appellant’ throughout.
2. The appellant faced two allegations of gross misconduct.
3. The first allegation related to accessing a police computer. She was given notice of the allegation on 8th December 2016.
4. The second allegation related to an alleged attempt to persuade Mr A to retract his allegation as the appellant could lose her job. This allegation was dismissed by the Misconduct Panel and is therefore not subject to appeal.
5. The Appropriate Authority alleged that the two matters individually and collectively constituted breaches of the Standards of Professional Behaviour concerning, Honesty and Integrity, Orders and Instructions, Confidentiality and Discreditable Conduct.

MISCONDUCT HEARING

6. The misconduct hearing took place from 15th January 2018 to 17th January 2018.
7. The hearing was chaired by an independent legal chair with considerable experience in the field of Police Misconduct. The Police Appeals Tribunal had the benefit of the full and careful judgment which sets out the relevant evidence, the findings and the reasons for those findings.

8. The Panel found the allegations (relating to 11th August 2014) proved. By acting as she did, the officer acted without integrity and breached the Standards of Professional Behaviour concerning honesty and integrity. She also breached the Standards concerning Orders and Instructions and Confidentiality. Her actions undermined the trust and confidence the public have in the police service not to misuse the information it had access to- as such she breached the Standard concerning Discreditable Conduct.
9. Moreover the Panel was in no doubt that these breaches are so serious that her dismissal would be justified. Accordingly the matter is proved as gross misconduct.
10. The Misconduct Panel heard submissions as to appropriate outcome/sanction.
11. It was submitted that the original assessment by the appropriate authority was that the conduct as regards 11th August 2014 was that it amounted to simple misconduct. It was elevated to gross misconduct as a result of the allegation about 27th May 2017. That allegation had been dismissed.
12. The Misconduct Panel's judgment as to outcome sets out the principles to be applied as set out in the case law. The Panel rehearsed the mitigation.
13. The Misconduct Panel stated that breaches as to integrity and as to confidentiality undermined public confidence and that was the case here. There were no exceptional circumstances.
14. The appellant was dismissed without notice.

GROUND OF APPEAL

15. The appellant appeals against the finding and sanction. It is submitted that both were unreasonable.

THE DECISIONS OF THE APPEALS TRIBUNAL

16. The Tribunal hearing was held in public on 31st October 2018. The Tribunal had considered all the documents put before the Misconduct Panel, the transcript of the Misconduct hearing and the grounds of appeal and the response. Oral submissions were made on both sides in line with the written submissions.

FINDING

17. The Tribunal had to decide if the finding - that, on the balance of probabilities the appellant had carried out the disputed computer check – was unreasonable.

18. The Tribunal concluded that the finding - that there were breaches of the Standards of Professional Behaviour - was not unreasonable.

19. It was not unreasonable to find that the breaches would justify dismissal and therefore amounted to gross misconduct.

SANCTION

20. That case plainly concerned allegations of dishonesty. In the present case the issue was principally one of integrity involving discreditable conduct. There was a breach of confidentiality and orders and instructions regarding the misuse of the computer system.

21. There is no doubt that the appellant had a good service record and good character evidence.

22. In the circumstances it could not be said that the sanction of dismissal was outside the range of reasonable options.

23. For the reasons the appeal against sanction is also dismissed.

Tribunal Members:

Richard Merz Legal Chair

Assistant Chief Constable Scott Chilton

Robin Laird

Dated 11th November 2018