

Accelerated Misconduct Hearing Finding and Outcome

Officer Name: PC George Davidson

Warrant Number: p254866

Date of Hearing: 13th November 2024

Alleged Standards Breached: Discreditable Conduct; Confidentiality.

Finding

I have had the benefit of the papers in advance of today and read them carefully before the hearing started. I am satisfied that all the required notices under the Police (Conduct) Regulations 2020 have been served. These are matters which have not, in any case, been disputed before me.

This hearing was held in public.

Representations and service:

I have listened to the case presented on behalf of the Appropriate Authority by Mr Mark Robinson, of counsel. I have also listened carefully to the representations made on behalf of PC Davidson by his counsel, Mr Craig Rush.

The allegations against PC Davidson are that whilst off duty on the 21 February 2022, PC George Davidson used his police issued device to access Body Worn Video ("BWV") and then showed the BWV to members of his family. There was no policing purpose for accessing and sharing this footage. On 26th August 2024, in a signed statement, PC Davidson admitted to viewing BWV whilst off duty for a non-policing purpose and showing this BWV to members of his family.

This breached the **Standards of Professional behaviour** under Regulation 5 and Schedule 2 to the Regulations, specifically those of:

- Confidentiality
- Discreditable Conduct

Brief Circumstances:

PC Davidson has accepted that the events took place and that he breached Confidentiality. He accepts that this amounts to misconduct on his behalf but does not accept that this amounts to gross misconduct. PC Davidson does not accept the breach Standard of Professional Behaviour as to Discreditable Conduct. PC Davidson has stated that he does not have memory of this incident as a result of a brain bleed in 2023.

The main issue of fact which I have to decide is whether the Appropriate Authority has proved on a balance of probabilities that PC Davidson has breached the standard of professional behaviour as to Discreditable Conduct, and whether the conduct as a whole amounts to gross misconduct.

I am satisfied on a balance probabilities that PC Davidson did breach the Standard of Professional Behaviour as to Discreditable Conduct.

My reasons for this are as follows:

- On 21 February 2022, PC Davidson was on a rest day. On that day, he viewed the BWV footage 12 times and accepts that he showed the footage to his younger brother. He accepts that there was no policing purpose for viewing this footage, and there was no legitimate reason for him to view it. PC Davidson accepts that this conduct took place, and accepts that this amounts to misconduct, not gross misconduct.
- I do not accept that PC Davidson did not know that there were restrictions on showing third parties BWV footage. PC Davidson must have been aware that policies were in place about showing third parties BWV footage. Whilst I accept that PC Davidson may not have been fully conversant on all the relevant policies, at his stage in service, he would have known that there were restrictions on sharing information.
- Even if PC Davidson was not fully aware of the prohibition on showing BWV footage, it would be reasonable to assume that he would be aware of general principles of confidentiality and the potential impacts on ongoing investigations for BWV footage to be shown to third parties. It is noted that PC Davidson's mother, who made the initial police complaint, was concerned by the conduct and believed it was wrong. PC Davidson's counsel has highlighted the wider context and potential motivations of PC Davidson's mother contacting the police about this matter. I recognise that this matter is unusual, in that it was PC Davidson's mother who made the initial report and there is clear evidence of the complexities of that relationship, and the report may have been made out of vengeance. However, it must be considered that a member of the public was concerned by PC Davidson's conduct in showing the footage.
- PC Davidson's representative stated that there was no policing sensitivity in this matter, as there was no ongoing police investigation. I have accepted that there was no ongoing police investigation. However, as PC Davidson's representative highlighted, this footage shows a potentially vulnerable individual who was intoxicated, and had been naked prior to the start of the footage. This footage revealed individual's names and personal details. In showing this footage to his younger brother, there are no safeguards in place which would stop this personal information being shared further.
- PC Davidson's counsel raised speculation as to the reason why PC Davidson showed his brother this footage, suggesting that it may have been to show his younger brother what could go wrong. PC Davidson's counsel accepted that this was not the motivation advanced by PC Davidson, but highlighted that the motivation is unclear in circumstances where PC Davidson does not have memory of the incident following a subsequent brain bleed. For the avoidance of doubt, I have attached little weight to the potential motivation of PC Davidson in showing this footage as the motivation is not known.

Breach of the Standards

- **Discreditable Conduct:**

The relevant part of this is: *'Police officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.'*

I find that showing BWV of police incidents by a police officer without a policing purpose is behaviour which discredits the police service and undermines public confidence and, as such, is a breach of the standards expected of a police officer.

There have previously been some high profile cases with regards to showing BWV, and the confidence in the police in relation to this is already low. Whilst I accept the circumstances are entirely different in this case, the person who saw the BWV could go on to tell others which would undermine the public confidence further.

- **Confidentiality:**

The relevant part of this is: '*Police officers treat information with respect and access or disclose it only in the proper course of police duties.*'

I find that there was no policing purpose to the showing of these incidents to members of PC Davidson's family. Whilst I accept he may not be fully conversant with the policy of sharing information, at that level of service he would have known the sharing of information is wrong.

Gross Misconduct

I must determine whether the admitted conduct did breach the standards of confidentiality and discreditable conduct. I find that it did.

I bear in mind that the burden of proving this rests upon the Appropriate Authority and that it must satisfy me on the balance of probabilities. I am satisfied the Appropriate Authority has discharged that burden.

I have reminded myself that gross misconduct is a breach of the *Standards of Professional Behaviour* so serious that dismissal would be justified. Applying that definition, I formally find that PC Davidson did breach the standards of confidentiality and discreditable conduct, with each of those breaches so serious that it could justify dismissal. Accordingly I find that the behaviour does amount to gross misconduct.

Outcome Decision

In making my decision on outcome I adopt the three stage process, as outlined in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

The first stage is to assess the seriousness of the conduct. This is assessed by reference to:

- i. The officer's culpability,
- ii. The harm caused by the misconduct
- iii. The existence of aggravating factors
- iv. The existence of mitigating factors.

The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements:

- i. To maintain public confidence in and the reputation of the police service,
- ii. To uphold high standards and deter misconduct, and
- iii. To protect the public

I further remind myself that the police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.

In adopting the three-staged approach outlined above, I bear in mind PC Davidson's record of service.

I start by assessing the seriousness of the conduct

Stage 1: the seriousness of the conduct

Culpability

PC Davidson accepts that he had no legitimate policing purpose in viewing the footage and showing the footage to his family. PC Davidson was responsible for his own actions. He knew or reasonably ought to have known that there were confidentiality concerns in showing this footage.

PC Davidson was responsible for their own actions and the culpability is therefore high.

Harm

- Whilst there is no evidence of actual harm, PC Davidson had no regard to the harm that his actions could cause to the public, his colleagues and himself, and the great harm to the public trust and confidence in the MPS.
- The Appropriate Authority suggested that PC Davidson may have continued to show footage had his mother not raised a complaint, but accepted that there was no evidence of this. The Appropriate Authority states that no audit was done beyond a two month period. However, as PC Davidson's counsel highlighted, it was for the Appropriate Authority to select what period of time to investigate, and it was their choice to limit this to two months. PC Davidson's mother made a complaint to the police on 31 March 2024, some two years after PC Davidson had shown the footage to his brother. There is no evidence that in the interim period he was continuing to inappropriately access BWV footage or show it to his family members.

In this case, the harm to public confidence is medium.

Aggravating factors:

The Appropriate Authority states that it is an aggravating feature of the conduct that PC Davidson viewed the footage 12 times on 21 February 2022. There is no evidence as to why the footage was viewed multiple times. PC Davidson's counsel stated that we do not know whether the video was watching in its entirety on each occasion, and it is inherently unlikely that his family members watched this footage 12 times. I have considered the College of Policing Guidance on outcomes in police misconduct proceedings which outlines examples of aggravating features at paragraph 4.76. I find that the repeated viewing of this footage is not an aggravating feature of the matter.

It was put forward by PC Davidson's counsel that the conduct should be viewed in the context of the relevant time, however confidence in policing was extremely low at the relevant time, following Sarah Everard's murder in March 2021 and the subsequent increased scrutiny of the police.

Mitigating factors:

I find that this should be correctly classified as a single incident. Whilst the officer viewed the footage 12 times, as this took place on one day, and the circumstances of each viewing are not known, it is appropriate to view this as a single incident.

As soon as the allegation was put to PC Davidson, he accepted the conduct. It is noted that this was some two years after the conduct took place, but PC Davidson did accept this conduct when asked.

Conclusion on seriousness:

Taking all these matters into consideration I assess the seriousness of the conduct as medium.

Personal Mitigation:

I have considered the officers record of service.

I note that we have been provided with medical information regarding PC Davidson's brain bleed, which took place in 2023. Whilst this has bearing on PC Davidson's memory of showing this footage and the reasons why he showed this footage, this has no bearing on the initial conduct of accessing BWV footage and showing this to his family. PC Davidson's counsel stated that this was mitigation, because the injury took place in the course of PC Davidson's duties. Whilst I am saddened that PC Davidson was injured in the course of his duties, this has no bearing on the circumstances which are the subject of these proceedings.

PC Davidson's counsel also made submissions as to the officer's family circumstances and the difficulties that he has overcome. I have already commented on the unusual circumstances on which this matter came to the police's attention.

I note the existence of supportive character statements provided.

I am mindful of the limits to the weight I should attach to personal mitigation as identified in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings and that that the interests of the police service, and the protection of the public, are more important than those of the individual officer.

Stage 2: the purpose of the misconduct regime

I have reminded myself of the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case.

I further remind myself that the police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole

I acknowledge the risk that the outcome imposed can have a punitive effect; accordingly the outcome should be no more than is necessary to satisfy the purpose of the proceedings. Therefore, in deciding the appropriate outcome I shall consider less severe outcomes before more severe outcomes and shall impose the least severe outcome that deals adequately with the issues identified, while protecting the public interest.

The outcomes available at the conclusion of an accelerated misconduct hearing upon finding that the conduct amounts to gross misconduct are:

- a) a final written warning
- b) a reduction in rank
- c) dismissal without notice

Stage 3: the appropriate outcome

I have considered whether a reduction in rank, would be an appropriate sanction in this case, but owing to the fact that PC Davidson is a constable, he cannot be reduced in rank.

I considered whether a final written warning would be consistent with the public interest. In my view, on the circumstances that have been put forward before me today, I consider that a final written warning for 2 years is appropriate. I have had appropriate regard to the seriousness of the conduct, the circumstances that gave rise to the misconduct, the public interest and the mitigation offered by the officer.

A lesser outcome would not serve to mark the seriousness of this misconduct, or deter others from similar misconduct and fulfils the purpose of the police misconduct regime.

In coming to my decision on outcome I have read and considered the officer's record of service. I have considered the matter fully, including the nature and severity of the breaches of the Standards of Professional Behaviour.

Outcome: Final Written Warning for 2 years.

A handwritten signature in black ink, appearing to read 'Laurence Taylor', with a horizontal line underneath.

Laurence Taylor - Assistant Commissioner

13 November 2024