

In the Matter of

THE POLICE (CONDUCT) REGULATIONS 2020

THE COMMISSIONER OF POLICE OF THE METROPOLIS

v

PC KYLE WOODMAN

1. The hearing has been held remotely (via Microsoft Teams) on 4th and 5th September 2024.
2. The Panel consisted of Superintendent Matt Cox (Assessor); Ms Joy Julien (Independent Member); and Ms Catherine Elliott (LQC).
3. The Metropolitan Police Service (the AA) was represented by Mr Sastry.
4. PC Woodman has resigned from the police, and his resignation notice period expires on 13 September. He remains a serving police officer until that date. Regulation 37 provides that officers must attend their misconduct hearing, with the proviso that they may request to be excused from this on grounds of inability to attend eg through illness. PC Woodman has made such a request, which was granted by the LQC prior to the hearing.
5. PC Woodman was, therefore, not in attendance and had no representation.
6. This was a public hearing.

The Allegations

7. The allegations facing PC Woodman are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

Being a member of the Metropolitan Police Service,

(1) On 29 December 2020 you accessed the police national computer for a purpose that was not related to policing in that you searched for data relating to VRM GU15YHO when it was not necessary for the purpose of police work.

By reason of (1) your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Confidentiality in that you failed to treat information with respect and access it only in the proper course of police duties.

Your behaviour amounts to gross misconduct.

(2) On 20 November 2022 you accessed the police national computer for a purpose that was not related to policing in that you:

(i) searched for data relating to VRM HT15XBC

(ii) did so for the purposes of checking private information relating to a friend.

By reason of 2(i) and (ii), either collectively or individually, your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Confidentiality in that you failed to treat information with respect and access it only in the proper course of police duties.

Your behaviour amounts to gross misconduct.

The Evidence and the Panel's Task

8. The Panel received a bundle of documentary evidence, including the formal Regulation 31 Response from PC Woodman.

9. No witnesses attended to provide oral evidence.

10. The Panel took into account the submissions of Mr Sastry.

11. In disciplinary proceedings of this nature, the first task of the Panel is to determine whether the allegations are proved. The standard of proof is the civil standard - that is, the balance of probabilities - and the burden of proof rests with the AA.

12. In this case, the facts themselves are not in dispute; PC Woodman has admitted that he accessed the police national computer on the two occasions cited.

The Background

13. This issue came to light following a shift on patrol with a colleague, PC Calleja. This was on 20 November 2022 and they were in a patrol car which was fitted with In Vehicle Mobile Application. This is a tablet which enables officers to conduct PNC (Police National Computer) checks on suspicious vehicles. She became aware that PC Woodman was using the tablet and that he also had a picture of a motorbike showing on his mobile phone. He appeared to be conducting a check on that motorbike or its owner. At the time, they were not on their way to an incident, nor had there been any alert about a suspicious vehicle. This is detailed in her written statement dated 22 November 2022, in which she states that PC Woodman explained to her that he had to do a check before purchasing a motorcycle.

14. PC Calleja later raised a concern about this with her superiors, and this led the AA to look into PC Woodman's use of the PNC system, which revealed an earlier check he had done, on 29 December 2020. 15. He was interviewed by Insp Webb on 2 December 2022, with a Welfare Officer present.

16. PC Woodman freely admitted that he had undertaken these checks and gave, as explanation, that:

- The earlier of the two, in December 2020, was in respect of his own car. He said that this

was his practice, nine times out of ten, at the start of a patrol – he would “test” the PNC system by running his own VRM through it. In a subsequent formal statement of 3 January 2023, he stated that he used his vehicle rather than a member of the public’s, as an “arbitrary index” to ensure PNC was functioning., He said that he did not realise at the time that it was an issue but that, in hindsight, he could see that it would not be considered a policing purpose.

- In the same interview with Insp Webb, he also admitted undertaking the November 2022 check, again accepting that it was not for a proper policing purpose, and he then commented that “I was checking as my mate got a community protection written warning at a car meet”. In his January 2023 statement, he said that he had made this check in good faith and had not disclosed any information to any third party.

17. The AA then attempted to contact the registered owner of the motorbike but received no response.

The Panel's Findings

18. The Panel was provided with copies of the PNC print outs showing that these two checks were made on the dates specified and by PC Woodman. In light of this clear evidence and his open admissions, the Panel can conclude that the checks were indeed made.

Allegation 1

19. The Panel can accept that an officer may, naively and misguidedly, access the PNC system, using his own vehicle registration, in order to check its running at the start of his patrol. That may, loosely, be “related to policing”. However, the allegation is that this action was not *necessary* for the purpose of police work. The Panel has heard nothing to indicate that the PNC system was ever not running properly and needing to be checked by individual officers, and it notes that computer records show this check on his own vehicle was run by PC Woodman only once, not as a routine “nine times out of ten” precaution.

20. The Panel therefore finds this Allegation proved.

21. Turning to the Professional Standard relating to Confidentiality, which is contained in Schedule 2 to the 2020 Regulations. This provides that “*Police officers treat information with respect and access or disclose it only in the proper course of police duties*”.

22. Whilst there is no suggestion that PC Woodman disclosed the information revealed by his PNC search, or did not treat that information with respect, it is clear that he accessed it outside of the proper course of police duties, and the Panel therefore finds this Professional Standard to have been breached.

23. The Panel then considered whether this breach amounted to Misconduct, or Gross Misconduct, or neither. Misconduct is a breach of Standards of Professional Behaviour that is so serious as to justify disciplinary action. Gross Misconduct is a breach so serious as to justify dismissal.

24. In light of its being his own vehicle which he was running through the system and refers to one

single occasion, the Panel does not find that this individual breach amounts to Gross Misconduct. However, all officers are aware of the regulations and guidance relating to use of the PNC system, and PC Woodman did not follow these. The Panel concludes that this breach of Standards amounts to Misconduct.

Allegation 2

25. This is different in nature. It is not in dispute that PC Woodman accessed the PNC system and searched a vehicle that was not his own. On that simple issue, sub-paragraph (i) of this Allegation is found proved.

26. The reason for his search is unclear. PC Calleja's evidence is that he said he was looking to buy a (presumably that particular) motorbike. This was not confirmed or denied by PC Woodman in either his interview with Insp Webb or his later formal statement; in the interview he volunteered the information that he was checking because his friend had got a community protection written warning from a car meet. This could mean that he was checking on behalf of his friend, or that his friend's experience caused him to check out a motorbike he was considering buying for himself. The motive for the unauthorised check is, therefore, unclear and the panel finds sub paragraph (ii) of this Allegation not proved.

27. The conduct found proved under (i) breached the Professional Standard relating to Confidentiality as the accessing of the PNC system was for no proper policing purpose.

28. The Panel considers that this breach is the more serious of the two as it involves information relating to a third party and appears to have been conducted for personal gain of some kind, whether that be related to a proposed purchase, or to assist a friend, is not known. It is regrettable that PC Woodman has been unable to attend this hearing as a full explanation could have been provided by him to clarify the issue.

29. The registered owner of the vehicle has not engaged with the police, so the Panel cannot know if the check was carried out by PC Woodman with that person's knowledge and consent. Notwithstanding that, the Panel considers that members of the public would not expect a police officer to be accessing their personal information for personal, non-policing reasons. This was a conscious decision by PC Woodman to act outside of the training and guidance he had received and the Panel concludes that this individual breach amounts to Gross Misconduct.

30. This also leads to the conclusion that the two breaches found amount, cumulatively, to Gross Misconduct.

OUTCOME

31. The Panel next turned its attention to Outcome, that is, what action should be taken to address the Gross Misconduct found. It has had regard to the College of Policing's Guidance on Outcomes. It has borne in mind throughout the three guiding principles of these regulatory proceedings, namely:

- *protection of the public;*
- *upholding standards within the police service, and thereby deterring misconduct;*

- maintaining public confidence in, and the reputation of, the police service.

32. It heard submissions from Mr Sastry, who took the Panel through the Guidance and the structured approach which is to be adopted. The Panel gave due consideration to these submissions.

33. The Panel first assessed the seriousness of the misconduct, considering each of the following aspects:

Culpability

34. It is an accepted principle that officers are responsible and accountable for their own actions. PC Woodman joined the Metropolitan Police in 2019 and received PNC App – IVMA training in March 2020. He should, therefore, have known that what he was doing was wrong.

35. Para 4.10 of the Guidance states that conduct which is intentional, deliberate, targeted or planned will be more culpable than conduct which is not. This misconduct was deliberate and intentional, in that there was nothing accidental about it; and there must have been some degree of “planning”, certainly in the search conducted on the motorbike as he had a picture of the vehicle on his mobile phone which he was using to assist in his VRM check.

36. Mr Sastry drew attention to the section of the Guidance relating to **Data Protection and Misuse**. This states very clearly that it is both a public expectation and a legal requirement that information obtained during the course of policing duties must be properly protected and used only for policing purposes. The Guidance also refers to the existence of a criminal offence of unlawfully obtaining personal data; this Panel is not to concern itself with any aspects of the criminal law and has not been invited to do so, but this reference is a reflection of the importance which society places on the need for public bodies to safeguard people’s personal information.

37. Whilst there is no evidence of any actual gain or benefit accruing to PC Woodman from his improper use of the PNC system, the Panel has already noted that there must have been some personal motivation for his actions.

Harm

38. There has been no actual harm to any person as a result of PC Woodman’s misconduct, but there is clear potential for reputational harm, for the reasons outlined above. Any information leakage is a matter of public concern; there was no leakage in this case as PC Woodman did not disclose the findings of his search to any party, but there was a data breach which carries the possibility of leakage.

39. A PNC search will reveal personal information about individuals but may also reveal more sensitive information which should not be placed in public.

Aggravating

40. There are relatively few aggravating factors in this case, most of which have already been touched upon. It was a conscious decision by PC Woodman to take the action that he did; it was done for his personal interests and thus has the potential to damage public confidence in the integrity of police officers.

41. This was not a single, isolated incident, albeit there were just the two incidents some two years

apart.

Mitigating

42. PC Woodman made open and early admissions. There is no indication that he has attempted to conceal anything or mislead.

43. He has acknowledged that what he did was wrong and that his actions amounted to Gross Misconduct.

44. The Panel accepts his assertion that there was no malice behind his actions, which seem to have been more reckless and unthinking than ill-intentioned.

45. The Panel must assess the seriousness of the breach of Professional Standards and balance that against the particular circumstances of the case and any personal mitigation offered by an officer, bearing in mind at all times the public interest.

46. The Panel has received no evidence of personal mitigation which may be taken into account here.

47. The Panel must have regard to the three overarching principles set out earlier.

48. The Panel does not consider that there are public protection concerns in play here.

49. This case does engage the need to uphold standards within the police service, which operates also as a deterrent effect for other officers. A clear message must be given that information held by the police should never be accessed for personal reasons; it is a strict requirement, clearly stated in the Professional Standard relating to Confidentiality, that such information must only be accessed for proper policing purposes.

50. The Panel is conscious of the public interest in retaining the services of an otherwise good officer where the misconduct found has been out of character. Character statements were submitted on PC Woodman's behalf from individuals who know him in a professional capacity. These speak of him as honest and trustworthy, professional, hard-working and respectful.

51. The Panel has been provided with his employment records which show no disciplinary history prior to this case

52. The Panel has found that this misconduct on the part of PC Woodman has the potential to cause reputational damage and to harm the trust which must exist between police and public. The Guidance cites the words of Lord Carswell, in the case of R (Green) v Police Complaints Authority 2004, which stress the importance of public confidence in policing. He says *"If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded."*

53. The Panel has considered all the evidence and has applied the structural approach contained in the Guidance. It has assessed the seriousness of the Gross Misconduct found.

54. The Guidance directs a panel to consider the less severe outcomes before the more severe ones,

noting that the purpose of disciplinary proceedings such as this is not to punish an officer, but to maintain high standards and the reputation of the policing profession.

55. The Panel considered whether a Final Written Warning would meet the need in this case. The Panel has decided that it would. This is not, in its view, Gross Misconduct of a seriousness for which dismissal would be the appropriate and proportionate outcome. A Final Written Warning would, in the Panel's view, reassure the public that PC Woodman's misconduct has been addressed and that he has been suitably held to account.

56. The Panel therefore directs that PC Woodman receive a Final Written Warning, to last for a period of three years.

That concludes this case.