



**NORTH YORKSHIRE POLICE
PROFESSIONAL STANDARDS DEPARTMENT**

**NOTICE OF OUTCOME OF ACCELERATED
MISCONDUCT HEARING**

**NOTICE OF OUTCOME OF ACCELERATED MISCONDUCT HEARING
REGULATION 63 POLICE (CONDUCT) REGULATIONS 2020**

Name:	Joe Daniel	Rank & Number:	PC 702
Name of complainant (if applicable):			
Case reference number:		CM/83/23	

You are hereby given notification of the outcome of the Accelerated Misconduct Proceedings which relate to your alleged breach of the Standards of Professional Behaviour. Details are as follows:

Date(s) of misconduct proceedings:	7th June2024
Location:	NYP Headquarters, Alverton Court, Northallerton
Persons conducting Accelerated Misconduct Hearing:	CC Tim Forber

Allegation(s)	<p>On or about 28th March 2024 at Leeds and Scarborough, PC Daniel pursued a course of conduct which amounted to the stalking of Ms A and which he knew or ought to have known amounted to the harassment of her in that he made repeated unwanted contact with Ms A and attended the vicinity of her home address, contrary to section 2A(1) of the Protection from Harassment Act 1997.</p>
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On 05 April 2024 at York Magistrates Court, he pleaded guilty and was subsequently convicted of stalking without fear of violence contrary to section 2A(1) of the Protection from Harassment Act 1997 and further remanded on conditional bail for sentencing.

The above conduct breached the standards of Professional Behaviour relating to Discreditable Conduct and amounts to Gross Misconduct.

Determination of the person or persons chairing or conducting the accelerated misconduct hearing

- Gross Misconduct
- Case returned to Appropriate Authority to be dealt with under Part 4 of the Conduct Regulations
- Case Dismissed

Outcome (if found to be misconduct or gross misconduct)

- Dismissal without notice
- Reduction in rank
- Final written warning

Signature of person chairing hearing:		Date:	7 th June 2024
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Details of reasons for the determination and outcome are stated below.

Determination and Outcome of Accelerated Misconduct Hearing

Findings of the hearing:

1. Dismissal without notice
2. Officer placed on the College of Policing barred list

Reasons for findings:

1. This is the decision on outcome in respect of disciplinary proceedings against PC 702 Joe Daniel.
2. The allegations against the officer are:

On or about 28th March 2024 at Leeds and Scarborough, PC Daniel pursued a course of conduct which amounted to the stalking of Ms A and which he knew or ought to have known amounted to the harassment of her in that he made repeated unwanted contact with Ms A and attended the vicinity of her home address, contrary to section 2A(1) of the Protection from Harassment Act 1997.

On 05 April 2024 at York Magistrates Court, he pleaded guilty and was subsequently convicted of stalking without fear of violence contrary to section 2A(1) of the Protection from Harassment Act 1997 and further remanded on conditional bail for sentencing.

The above conduct breached the standards of Professional Behaviour relating to Discreditable Conduct and amounts to Gross Misconduct.

3. In his Regulation 54 response, the officer has stated that he has fully accepted his responsibility for the offence, that his conduct was discreditable and that it amounts to Gross Misconduct. He confirmed to me that this was still his position.
4. The officer has therefore admitted the allegations, and that his conduct has breached the Standards of Professional Behaviour in respect of Discreditable Conduct and that his conduct amounted to Gross Misconduct. Given this admission I have to consider the appropriate outcome.

Factual Findings:

5. The officer was a Response Officer based in Scarborough. He was in a relationship with another officer Ms A which led to these matters. Their relationship had ended.

6. In March 2024, the officer was on police bail with conditions not to contact Ms A. On 28th March at about 2pm the officer rang her and spoke to her. He apologised to her for his behaviour and suggested he had changed and that they should get back together. Ms A told him that there was no chance of this. She ended the call by saying she had to go and said she was going to a friend in Bridlington. Instead, she went to another friend's house.
7. Later that same day at around 10.56 pm Ms A received a call from a Scarborough number. The caller said they were from North Yorkshire Police and they needed to do a welfare check as a member of the public had contacted them and were concerned. Ms A questioned the caller and then recognised that the caller was the officer. She asked "is this Joe" and the officer said "why have you lied to me" on multiple occasions. Ms A hung up and burst into tears. The call had been made from a phone box on Scarborough which was located at the end of the street from where Ms A lived.
8. In a prepared statement dated 3rd April 2024 the officer stated that he had found it very difficult not to speak with Ms A. She had been his partner up until the time of his arrest. He suggests that he spoke with her for about 30 minutes and then rang her again later. He initially denied stalking her.
9. On 5th April 2024 the officer pleaded guilty at York Magistrates Court to the offence of stalking. He is awaiting sentence.
10. The officer has indicated in mitigation in his Regulation 54 response that he was suffering from serious mental health issues following a life changing injury in July 2023. He suggests that this affected his perspective about his relationship and his judgment at the time; that his actions were the symptom of a breakdown and do not reflect his approach to relationships and that his judgment was profoundly undermined by his spiralling mental health.
11. I do not have any medical evidence to suggest that the officer was suffering from a mental health condition at the time but I am willing to consider my outcome on the basis that he

was and this impacted on his conduct.

12. I have to determine the appropriate outcome. There are three stages to determining sanction. Firstly, I need to assess the seriousness of the misconduct, then keep in mind the purpose of imposing sanctions and choose the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question. The only sanctions available to me are a final written warning or dismissal without notice.
13. I have to assess the severity of the conduct by considering the officer's culpability, the harm caused and any aggravating and mitigating factors. I have considered the College of Policing Guidance on Outcomes and I will refer to some relevant parts of it.

Culpability:

14. The Guidance states that is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves and that any criminal conviction is serious and will likely have an adverse impact on public confidence in policing. A conviction for an offence of stalking is a very serious matter as it is an act of abuse against a woman. Acts of violence or abuse by male officers towards women are a particular concern in policing at this time and there is a clear expectation that these matters will be treated with a severe outcome.

Harm:

15. Ms A did suffer from psychological harm at the time. She was upset after the call and had concerns for her personal safety.
16. There is clear reputational harm to the Force and to wider policing. An officer convicted of an offence of stalking seriously undermines confidence in the police service and is unacceptable behaviour.

Aggravating factors:

17. I have already mentioned some of the aggravating factors and will repeat some here but will not double count them.

The officer's actions were deliberate actions but affected by his emotional state at the time.

The officer's actions were particularly serious as he was on police bail at the time of the offence with a condition not to contact Ms A.

There is a national concern about male officer's inappropriate behaviour towards women.

Mitigating factors:

18. The officer has admitted his conduct and expressed remorse for his actions.

19. The officer's actions were not sophisticated. The offence is the less serious of the stalking offences under the Protection from Harassment Act 1997 but to be very clear, I view all such offences as extremely serious.

20. The officer has suffered an injury on duty which caused both physical and mental anguish.

21. The officer's judgement was affected at the time by his poor mental health. This is often a component in offences of stalking and although a relevant factor does not negate the criminal nature of the offence.

Overall severity of the conduct:

22. My overall assessment is that this conduct is very serious as the officer has been convicted of the criminal offence of stalking.

Outcomes available:


23. The outcomes available to me are a Final Written Warning or Dismissal without Notice. I have to consider less severe outcomes before more severe outcomes.

24. I have considered the officer's record of service and the representations made on behalf of the AA and the officer. The officer joined the Force in January 2022. The officer's behaviour was out of character and he has apologised for his actions.
25. I accept that the officer's judgment was affected at the time by his mental state. I have taken account of the fact that the officer has sought to address his personal issues since these matters and has applied for counselling.
26. It is an unfortunate fact that on occasions, unfortunately on too many occasions, officers in North Yorkshire Police suffer injuries on duty, sometimes serious injuries, which cause both physical and mental anguish. They do not go on to commit serious crimes such as stalking and harassment.
27. I have taken into account the officer's personal mitigation but the weight which can be given to it is limited given the purpose of the proceedings.
28. I remind myself of the purpose of these proceedings. It is to maintain public confidence in and the reputation of the police service, to uphold high standards in policing and to deter misconduct and to protect the public.
29. I have considered what sanction is appropriate, necessary and proportionate and whether a Final Written Warning is sufficient to maintain public confidence in the Force.
30. The only appropriate outcome is Dismissal without notice. Committing a stalking offence is a very serious matter, whatever the mental state of the perpetrator. Members of the public, and victims of abuse would be gravely concerned if an officer remained in the Force who had a conviction for stalking. Tackling Violence against Women and Girls is a very clear priority for North Yorkshire Police. It is a fundamental breach of trust by an officer and inconsistent with his continued service in the Force.
31. The officer will be placed on the barred list. The anonymity of Ms A should continue to be protected.

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Service of Notice

I acknowledge that I have received a copy of this notice and my attention has been drawn to the accompanying notes.

Signature of Officer concerned:		Date:	7/6/24.
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I authorise a copy of this notice to be forwarded to my Staff Association.

Yes No

If the notice is not given to the officer by the person investigating please append the name and signature of the person giving the notice below:

Name:		Signature:		Date:	
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EXPLANATORY NOTES

1. This notice has been issued to inform you as soon as practicable, and in any case within 5 working days of the conclusion of the misconduct proceedings, of the findings of the person or persons conducting the misconduct proceedings and any disciplinary action imposed. This written notice shall also set out a summary of the reasons for the finding(s) and outcome in this case (in accordance with Regulation 63 of the Police (Conduct) Regulations 2020).
2. The proceedings at a misconduct hearing shall be recorded verbatim.
3. You may appeal the determination of an accelerated misconduct hearing to a police appeals tribunal. This appeal shall be given in writing to the relevant Police force before the end of 10 working days, beginning the day after the receipt of this notice.
4. As part of the notice of appeal, you may request a transcript of the misconduct proceedings or part thereof.
5. Misconduct hearing appeals shall be determined by a police appeals tribunal. Notice of appeal may be given within a reasonable time after the 10 day period and it shall be for the chair of the police appeals tribunal to determine whether or not it was reasonable for notice to be given within the 10 day period and grant leave to appeal or dismiss the appeal application.
6. If you admitted at the misconduct proceedings that your conduct amounted to gross misconduct then you may only appeal against the disciplinary action imposed. If you denied the gross misconduct then you may appeal both the finding and the disciplinary action. The grounds for appeal are that the finding / disciplinary action imposed was unreasonable; that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; that there was a breach of the procedures or other unfairness which could have materially affected the finding or decision on disciplinary action.
7. Any disciplinary action (outcome) shall have effect from the date on which you receive a copy of this Regulation 63 notice.
8. If the outcome of these proceedings was a final written warning then a record of this Regulation 63 notice shall be placed on your personal file until such time as the warning is expunged. A final written warning shall remain live for a period of 2 years or for any such period as the person determining the sanction may determine, up to a maximum of 5 years.
9. You should be aware that if you have a 'live' final written warning and are subject to further misconduct proceedings then those proceedings shall be a misconduct hearing and you will be at risk of dismissal from the service.
10. Subject to a final written warning being expunged, in cases of proceedings where the outcome is a final written warning, revelation of this information to the CPS may be required under Chapter 18 of the Disclosure Manual. Advice as to the question of revelation can be obtained from the Professional Standards Department. The Professional Standards Department will give you advice in relation to when the warning or final warning should be revealed
11. Revelation must, if applicable, be made by submission of a completed MG6B with each relevant witness statement provided.

12. You need to be aware of the potential impact of a failure to comply with the requirements of Chapter 18 of the Disclosure Manual. Where this is the case the result may be unfairness to the accused but also convictions that are vulnerable to appeal. Where a police officer fails to fulfil their obligations this may result in misconduct proceedings being taken against them.