
REGULATION 43 REPORT:

NOTIFICATION OF OUTCOME OF MISCONDUCT HEARING

POLICE CONSTABLE 22704 █████ BRAMLEY

1. INTRODUCTION

1.1 On 4 November 2024 a misconduct hearing was convened to deal with allegations against Police Constable (PC) █████ Bramley which the Appropriate Authority (AA) assessed as amounting to gross misconduct.

1.2 The hearing was held in accordance with the Police (Conduct) Regulations 2020 (PCR 2020).

1.3 The hearing was held at West Midlands Police (WMP) Headquarters, Birmingham. The hearing was audio recorded and was concluded on 6 November 2024.

1.4 The hearing Panel consisted of a Legally Qualified Chair (LQC), Mr Callum Cowx, a Police Panel Member (PPM) Superintendent (Supt) Paul Minor of WMP, and an Independent Panel Member (IPM), Ms Rachel Forster.

1.5 The AA was represented by Mr David Messling of counsel. PC Bramley was represented by Mr Colin Banham.

1.6 Prior to the hearing the Panel was provided with a bundle of documents relevant to the case together with police Body Worn Video (BWV). Mr Messling also provided the Panel with an opening note. At the hearing a defence bundle of documents and a number of character references for the officer were served without objection by the AA. These were admitted into evidence.

2. THE ALLEGATIONS

2.1 The breaches of the Standards of Professional Behaviour (SPB) alleged were set out in a Regulation 30 (PCR 2020) Notice of Allegations as follows:

PC Bramley, whilst a police officer serving with the West Midlands Police, your conduct is alleged to have fallen below the standard expected of a serving police officer in such a way that you have contravened the Standards of Professional Behaviour. It is alleged that your conduct amounted to gross misconduct so serious as to justify dismissal.

It is alleged that whilst attending an incident at Coventry Retail Market on 19 October 2021 you engaged in the following conduct:

- a. *When speaking to the complainants, who had called the police for assistance alleging racially aggravated assault, you were dismissive, rude and intimidating in the following ways:*

- a. *You inappropriately accused the complainants of being rude.*
 - b. *You inappropriately described their allegations as 'extremely minor' and 'nothing to do with race' without proper consideration of the allegations of racist behaviour or physical assault.*
 - c. *You quickly dismissed the allegations of racist behaviour without exploring this with the complainants nor allowing them to provide an account in this regard, rather you accused them of interrupting you when they sought to do so.*
 - d. *You used inappropriate and racist language towards the complainants when stating "IF HE'D CUT YOUR HAND OFF HE'D BE COMING IN ALL DAY".*
 - e. *Your attitude and body language towards the complainants was intimidating.*
- b. *In contrast, when speaking to the alleged perpetrators, you were polite, jovial, deferential and made disparaging remarks about the complainants and their allegations. You gave undue weight to what you deemed to be a counter-allegation.*
 - c. *You failed to conduct a thorough and impartial initial investigation in that you failed to:*
 - a. *Establish the details of the allegations made by the complainants.*
 - b. *Obtain details of other potential witnesses identified at the scene.*
 - d. *The difference in your treatment of the complainants compared with your treatment of the alleged perpetrators was not impartial, objective or without prejudice.*
 - e. *Your treatment of the complainants and their allegations was racially prejudiced and amounted to discrimination.*

It is alleged that your conduct as alleged has breached the following Professional Standards:

- a. *Authority respect and courtesy,*
- b. *Equality and diversity,*
- c. *Duties and responsibilities, and*
- d. *Discreditable conduct.*

3. DETERMINATION OF THE FACTS AND ALLEGED BREACHES OF THE STANDARDS OF PROFESSIONAL BEHAVIOUR

3.1 The Panel reminded itself that the burden of proof rests with the AA and the standard of proof is the civil standard, that is to say, on the balance of probabilities. The Panel applied this standard when considering the facts of the case.

The Evidence

3.2 The Panel took into account the evidence in the bundles to which it was taken by counsel and other such evidence in the bundles identified by the Panel as being relevant to the allegations.

3.3 The events which founded the allegations against PC Bramley were recorded on police BWV worn by PC Bramley and his colleague PC Hart. The recordings were provided to the Panel and were played more than once at the hearing. The Panel considered the BWV footage to be the best and most reliable evidence in this case upon which it could make its factual findings.

3.4 Oral evidence was given by PC Bramley only.

3.5 On the morning of 19 October 2021, PCs Bramley and Hart were directed to attend an incident at Coventry retail market following a report from a Mr Iqbal alleging that he had been assaulted and his wife had been verbally abused.

3.6 The BWV footage from the two officers shows their arrival at the market and what happened thereafter. Because of the good quality of the BWV footage, a detailed summary of the evidence is unnecessary. The salient points are as follows.

3.7 The BWV footage shows PCs Bramley and Hart arriving at the market at 1019hrs. They then meet Mr Iqbal and his wife, Mrs Butt, within the market. On the video footage Mr Iqbal appears as a bearded gentleman and Mrs Butt is wearing a niqab. Mr Iqbal gives his name and identifies himself as the caller, then refers the officers to his wife who begins to give an account of what happened. She explained how she had purchased some tomatoes from a stall. She said that the stall holder, later identified as a Mr King junior, refused to give her a bag for the tomatoes because she had bags of her own. When Mrs Butt then attempted to return the tomatoes, the male stall holder initially refused to take them back. Mrs Butt began to state that the male became abusive to her. On the BWV footage she became visibly upset and began to cry.

3.8 At that point, PC Bramley left Mr Iqbal and Mrs Butt with PC Hart while he went to speak to Mr King junior at his stall. Mr Iqbal then continued to speak to PC Hart, giving a report of what happened including an alleged assault on himself. He described how his wife returned to their car upset and told him about what had happened when attempting to buy the tomatoes. He came into the market and approached Mr King junior. On speaking to Mr King junior about what had happened, Mr Iqbal alleged that another male, who was later identified as Mr King senior, the father of Mr King junior, approached him from behind and shoved him.

Mr Iqbal called the police and reported the matter as an assault. Mr Iqbal pointed Mr King senior out to PC Hart.

3.9 While PC Hart was speaking with Mr Iqbal and his wife, PC Bramley spoke to Mr King junior, unaware of the allegation of assault made by Mr Iqbal to PC Hart. PC Bramley began the conversation with Mr King junior by telling him that Mrs Butt had told him about buying tomatoes and being refused a bag. Mr King junior then gave his explanation for refusing to give Mrs Butt a bag. Without being accused of it, Mr King junior said that at no point did he use any racist language, and he did not swear, but he told Mrs Butt not to come back to any of his stores. PC Bramley responded by telling Mr King junior that he would take Mr King junior's details but that he would "*get rid of them first*", referring to Mr Iqbal and Mrs Butt.

3.10 PC Bramley then returned to Mr Iqbal and his wife who were still with PC Hart. They moved a short distance away from Mr King's stall and when doing so Mr Iqbal pointed to another gentleman whom he identifies as a possible witness to the incident. At that point, PC Hart directed PC Bramley's attention to another male dressed in blue. PC Hart told PC Bramley that this male, who was in fact Mr King senior, had allegedly pushed Mr Iqbal. PC Bramley can then be heard confirming with PC Hart that the person he has just spoken to (Mr King junior) was not the person alleged to have pushed Mr Iqbal.

3.11 PC Bramley then took charge of the incident, told Mr Iqbal that they would take his and his wife's details and added "*Then be on your way and we'll deal with it.*" Mr Iqbal replied "OK". Then without being challenged or questioned by Mr Iqbal, PC Bramley told Mr Iqbal that no-one would be arrested. Mr Iqbal then said, "*He's assaulted me*" and said that he wanted to press charges. PC Bramley went on to explain that it was not legally permissible for an arrest to be made, but that a crime report would be generated, and the matter would then be investigated. Mr Iqbal accepted the explanation, saying "*Ok, fine.*" PC Bramley went on to further explain that limited money and limited police cell space did not allow for arrests to be made in situations as described by Mr Iqbal, which PC Bramley referred to as "*extremely minor*". He then referred to the absence of injury in Mr Iqbal's case and said, "*If he'd cut your hand off he'd be coming in all day, but he hasn't.*"

3.12 Mr Iqbal clearly indicated that he understood and accepted PC Bramley's explanation for not carrying out an arrest. PC Bramley then said he would go and have a chat with the person pointed out by PC Hart, who was Mr King senior. Mrs Butt then spoke, returning to her complaint about how she had been treated by Mr King junior, saying that he had given a bag to another person. PC Bramley replied by telling her that Mr King junior had explained "*the bag thing*" to him. When again Mrs Butt tried to explain that he had given a bag to another customer but not to her, PC Bramley interrupted her curtly with "*Can I finish?*" When she tried to carry on, he said to abruptly "*Don't be rude*". PC Bramley told Mrs Butt not to interrupt him because it is the one thing that upsets him, and then he proceeded to repeat Mr King junior's explanation for not giving Mrs Butt a bag. He added that Mr King junior's reasoning had nothing to do with race or religion. Although being talked over by PC Bramley, Mrs Butt seems to have agreed that the incident had nothing to do with race or religion. Mr Iqbal also tried to explain that his concern was the way in which

his wife was spoken to, but he was overtalked by PC Bramley who again advanced Mr King junior's position in the dispute.

3.13 PC Bramley then went to speak to Mr King senior, introducing himself with the words *"Sorry to interrupt you sir, can I borrow you fine sir?"* He then went on *"I'll make this very brief it's a lot of...all over nothing."* Mr King senior replied *"Na...exactly what I said to him. I said this is completely unnecessary."* To this, PC Bramley replied *"I know, I agree. Very silly, very very silly. All I need is your details, and I'll leave you alone. And they've decided to assume that this is all race-related, which I'm sure it's not."* PC Bramley then recorded Mr King senior's details. When Mr King senior said he was sorry the incident was a waste of the officers' time, PC Bramley agreed with the words *"I know"*.

3.14 After recording Mr King senior's details PC Bramley informed him that Mr Iqbal had accused him of pushing him. Mr King gave a brief account of what happened to which PC Bramley responded with *"Oh God almighty. Yeah so don't worry about [sic] he'll be gone."* Mr King said he would worry about it because he did push Mr Iqbal, to which PC Bramley again said *"Don't worry about it, there's cameras in here."* PC Bramley then parted company from Mr King senior, saying *"God bless you sir."*

3.15 PC Bramley returned to Mr Iqbal, Mrs Butt and PC Hart. PC Hart began to tell PC Bramley what actions he had completed with the couple, but PC Bramley ignored his colleague and talked over him without allowing him to finish his explanation. PC Bramley told Mr Iqbal that the police would look at CCTV footage and review the level of assault because Mr King senior had made a counter allegation that Mr Iqbal had poked him, which PC Bramley said was an assault. In fact, Mr King senior did not say that Mr Iqbal had poked him. However, the Panel accepted the agreed position of the parties which was that Mr King senior had gestured with his left hand to indicate that he had been poked by Mr Iqbal and that this was not captured by PC Bramley's body worn video camera.

3.16 Mr Iqbal denied touching Mr King senior, to which PC Bramley replied *"That's fine but he's alleged that and so we'll have to record that as well so when we've reviewed the CCTV we will find out what the truth of matter is. The likelihood is you'll both be interviewed."*

3.17 PC Bramley then began to finalise his interaction with Mr Iqbal by explaining that police investigators would be in touch with him. Mr Iqbal then pointed out to PC Bramley that he was required to inform members of the public if they were being recorded on BWV footage. PC Bramley immediately rejected that assertion by telling Mr Iqbal that he was wrong. In fact, Mr Iqbal was correct, and this was later admitted by PC Bramley during the course of the investigation after apprising himself of police policy. However, this dispute caused Mr Iqbal to ask for PC Bramley's police collar number. It was then PC Bramley who raised the subject of making a complaint, asking Mr Iqbal if he wanted to know how to go about this and then giving his collar number and station. There was some further exchange on the topic of recording on BWV which led PC Bramley to say to Mr Iqbal *"I don't understand why you're being this way. Is this because no one's been arrested?"*

3.18 PC Bramley then added *"You're being quite hostile, so I'm gonna walk away. If you're not gone by the time I return..."* PC Bramley did not complete his sentence. As Mr Iqbal read aloud PC Bramley's collar number, PC Bramley turned to Mrs Butt and said *"...there's no problem with you madam, it's this gentleman...I'm trying to support you in what's happened..."*. The exchange between Mr Iqbal and PC Bramley continued for a few more seconds before PC Bramley walked away to speak to Mr King junior again. As he walked away, PC Bramley said to PC Hart *"Job done"*.

3.19 It is abundantly clear from the BWV recording of the interactions between Mr Iqbal and PC Bramley that Mr Iqbal was perfectly calm and even tempered throughout his dealings with PC Bramley. At no time did he behave in a manner which could be described as hostile. His behaviour and demeanour were in stark contrast to that of PC Bramley who was curt and dismissive throughout his dealings with Mr Iqbal and Mrs Butt. PC Bramley paid little heed to what Mr Iqbal and Mrs Butt had to say about the events which caused Mr Iqbal to call the police, and he failed to obtain the nature of Mr Iqbal's complaint before speaking to potential suspects.

3.20 Upon leaving Mr Iqbal and Mrs Butt, PC Bramley returned to Mr King junior and effectively debriefed him on how matters had been concluded with Mr Iqbal and Mrs Butt. He began by saying to Mr King junior *"I can see what you mean they're quite argumentative...unnecessarily so."* On no reasonable and objective view could Mr Iqbal or Mrs Butt be described as argumentative during their interaction with PC Bramley. To the contrary, they remained remarkably equable in the face of PC Bramley's overtly partial, abrupt and at times inflammatory attitude and behaviour.

3.21 PC Bramley went on to tell Mr King junior what he expected would happen to Mr Iqbal's complaint. He said *"The likelihood is he'll get a phone call and say what happened and that'll be the end of it. Because he wants to make a complaint. I'm not interested of [sic] doing so from your dad coming up to him and going 'what's all this?' There's CCTV in here so...but your dad said he's been poked by him, so I'll record an assault as well."* He then said to Mr King senior *"We were just saying sir that we'll record the fact that he's poked you as well cos he's technically assaulted you alright...he's assaulted you technically hasn't he, so..."* He then went on to tell Mr King senior *"I can't see us going any further than that, and he will also have a conversation with us regarding his involvement in the incident whereby he's poked ya."*

3.22 PC Bramley then told Mr King senior that Mr Iqbal did not like him either and that he intended to make a complaint against him. When Mr King senior suggested that Mr Iqbal believed PC Bramley was prejudiced, PC Bramley agreed with the words *"Oh apparently so"*. At no time on the BWV is Mr Iqbal recorded as saying he wished to make a complaint against PC Bramley. At most he asked for the officer's collar number, and it was in fact PC Bramley who raised and repeated the subject of making a complaint about his conduct. He went on then to describe Mr Iqbal as rude, when the BWV footage provides no evidence upon which one might reasonably conclude he was rude to the officers.

3.23 PC Bramley gave evidence. Prior to doing so Mr Banham made the Panel aware of two particular matters. The first was that PC Bramley is awaiting an assessment for autism. He believes he may be autistic as he feels, and has been told by others, that he lacks empathy. I enquired with Mr Banham whether there were any Equality Act 2010 issues in this case. I was told there were none. It was not asserted that PC Bramley has a disability and there was no evidence available to the Panel, even if an adjournment were to be allowed for the purposes of obtaining such evidence. It was not asserted that there was any causal link between autism and PC Bramley's behaviour towards Mr Iqbal and Mrs Butt although in closing submissions the Panel was invited to take into account what PC Bramley had to say about his self-acknowledged lack of empathy. The Panel did take this into account in its deliberations. In doing so it noted the fact that PC Bramley was able to immediately adjust his behaviour and manner when switching between Mr Iqbal and his wife on the one hand and the Kings on the other. In the Panel's view he was perfectly capable of demonstrating empathy to one party but failed to do so to the other.

3.24 The second matter brought to the Panel's attention was the fact that after the incident being considered by the Panel, PC Bramley received a formal Written Warning. This resulted from him referring to an arrested white male as a "racist piece of shit" when the male was racially abusive to PC Bramley's Muslim female colleague. This incident was prayed in aid of the contention that PC Bramley was not a racist himself and did not hold prejudicial views against Asian Muslims.

3.25 In evidence in chief, PC Bramley described his police career, which began as a Special Constable in Warwickshire followed by his joining WMP in 2017. He had experience of policing in predominantly Muslim areas of Birmingham, particularly the Alum Rock Road area.

3.26 He is the recipient of two Chief Constable's Commendations for bravery, and he described one incident in particular. When working in plain clothes on a counter-drugs operation, he witnessed a young male being attacked and violently assaulted. He intervened to protect the young male, who fled the scene, while PC Bramley was then assaulted and received injuries to his face which required stiches and significant dental work.

3.27 PC Bramley went on to explain his handling of the incident in Coventry retail market on 19 October 2021. He said he was confused as to what had actually occurred because of "*everyone saying this and that*" and he "*did not know where the allegation of assault came from because of the maelstrom of information*". This evidence was inconsistent with what the Panel observed on the BWV footage. PC Bramley was in control of a benign scene where the parties were separated and calm. PC Bramley did not have to contend with a "maelstrom" of information as he claimed. Any confusion in his mind was self-induced due to his apparent disinterest in obtaining a first account from the complainants Mr Iqbal and Mrs Butt.

3.28 He explained that there was no justification for an arrest, and this was not in dispute. The Panel recognised that in the circumstances, the Police and Criminal Evidence Act Codes of Practice did not permit arrest.

3.29 He explained that his intention was to obtain details from the parties so that a crime report could be generated which would then be followed by an investigation by other officers. Again, the Panel recognised that this was an appropriate policing response. However, it was apparent that PC Bramley was not impartial when carrying out his task of gathering sufficient information at this important preliminary stage of the process. Indeed, he openly suggested to both Mr Kings that he would ensure no further action would be taken against Mr King senior, having previously informed Mr Iqbal and Mrs Butt that their complaint would be properly investigated by other officers.

3.30 When shown the BWV footage he admitted that he had been “quite short” with Mrs Butt and should have demonstrated more patience and let her finish what she wanted to say. Although he later went on to say that he was trying to get out what he wanted to say, and it was he who “kept getting interrupted”. He said he was blunt and abrupt with Mr Iqbal and Mrs Butt because he lost his train of thought.

3.31 He said he did not think he treated them (ie. Mr Iqbal and his wife) any differently to the Kings. He said he did not prejudge the situation. He said he was short with Mr Iqbal and Mrs Butt because of the way they were with him. He said that his “back was up” with Mr Iqbal after their disagreement over recording on BWV. The Panel was conscious of the fact that the BWV recording issue arose at the very end of PC Bramley’s interaction with Mr Iqbal and his wife.

3.32 PC Bramley said that he had learned from this incident and from subsequent unconscious bias training and the police Reflective Practice process he went through with his Sergeant.

3.33 In cross examination he maintained that Mr Iqbal was argumentative. But when referred to the BWV recording, he accepted that when first dealing with Mr Iqbal, Mr Iqbal was polite and not argumentative at all.

3.34 He was asked about why he did not obtain any information about the alleged assault. He said that was PC Hart’s role and they worked on a “divide and conquer” basis, in that when working with a police partner, they would perform separate tasks: one would speak to the complainant while one would speak to the suspect. Whilst the Panel accepted there was some legitimate basis for adopting such a practice in certain circumstances, the flaw in PC Bramley’s reasoning was that he clearly acted prematurely by failing to obtain any information at all about the alleged assault and the reason why he had been called to the market. He evidently formed the view that the incident was limited to Mrs Butt’s dispute with a stall holder over a plastic bag.

3.35 It was put to him that he could have asked Mr Iqbal about the assault before going off to speak to Mr King junior, who was not in fact the alleged perpetrator. In reply he said he could have done this, but the details were fuzzy, and he did not know who had done what. Again, it was obvious from the BWV footage that any confusion in PC Bramley’s mind was due entirely to his own failure to establish the nature of the allegations before going off to speak to Mr King junior.

3.36 Mr Messling put it to PC Bramley that Mr Iqbal accepted his explanation for not making an arrest. In reply he said “*It seems that way, yes. He doesn’t object*

directly.” He accepted that Mr Iqbal was not argumentative. It was put to him that Mr Iqbal was not hostile, and PC Bramley replied “*Not at this stage, no.*” He said there was a change in Mr Iqbal’s attitude when he heard what he did not want to hear. He disagreed with the suggestion that Mr Iqbal remained calm and compliant throughout. The Panel found there was no indication from the BWV footage that Mr Iqbal at any time became hostile or behaved in a way which was anything other than calm and polite.

3.37 It was put to PC Bramley that he knew, or suspected Mr Iqbal and Mrs Butt were Muslims. It was pointed out that Mrs Butt was wearing a niqab to cover her face. PC Bramley said that he did not pay attention to the question of race or religion. He refused to accept that Mrs Butt’s niqab was indicative of her religion, asserting that at the time, during the Covid pandemic, all manner of face masks were worn. The Panel rejected PC Bramley’s assertion that he was unaware of the complainants’ race or religion. He was by this time an experienced WMP officer, who had worked in areas with predominantly south Asian, Muslim communities. From the combination of Mr Iqbal’s and Mrs Butt’s names, their appearance and Mrs Butt’s niqab, the Panel concluded that PC Bramley did know, or at the very least suspected, that they were of south Asian heritage and Muslim.

3.38 Regarding the comment about cutting off Mr Iqbal’s hand he said this had nothing to do with Mr Iqbal being a Muslim and that it was merely a way of explaining that he had no power to arrest for such a minor assault allegation without injury.

3.39 He was asked if he spoke to the security guard Mr Iqbal identified as a possible witness and he said he could not remember if he did or not.

3.40 It was put to him that he prejudged matters in that he dismissed the incident as “silly” without establishing the fact there was an allegation of assault. He also rejected the suggestion of racial motivation without taking any meaningful account from Mr Iqbal and Mrs Butt. He denied these suggestions. He denied the suggestion that he took sides with the Kings and was therefore not neutral in his dealings with the parties. He accepted that it was inappropriate to make disparaging remarks about Mr Iqbal to the Kings. He accepted that he was excessively polite to the Kings.

3.41 In response to a question from the Panel he said that on reflection the Kings did receive better treatment than Mr Iqbal and his wife, but this was because of the “altercation” over the BWV recording. Again, that occurred at the very end of PC Bramley’s interaction with Mr Iqbal and cannot therefore explain his partial behaviour beforehand.

3.42 PC Hart did not give oral evidence, but his witness statement was taken into account. The thrust of PC Hart’s evidence was that did not believe PC Bramley had acted in any way improperly. However, this evidence was contradicted by the BWV footage and PC Hart was not present with PC Bramley when he spoke to the Kings.

Factual Findings (Stage 1)

3.43 The Panel made the following findings in regard to the allegations as particularised in the Regulation 30 Notice.

3.44 Allegation a.a. Proved. PC Bramley did inappropriately accuse the complainants of being rude. It was in fact PC Bramley who was rude, particularly to Mrs Butt, when he refused to allow her to speak when she attempted to explain what had happened to her. His manner was patronising, insulting and aggressive in tone.

3.45 Allegation a.b. Proved. He did inappropriately say to Mr Iqbal and his wife that the allegations were “extremely minor” and “nothing to do with race”. He adopted the latter proposition immediately when Mr King junior asserted the same. His statement was inappropriate because it demonstrated his predetermination of the matter before it had been investigated. This contradicted his own assertion that his role was merely to obtain personal details for a crime report and that the matter would be properly investigated by others. He was also aware of the possible existence of CCTV evidence which he had not viewed, but which might have caused others to take a quite different view of the incident to that described by the Kings. The allegations, when objectively viewed, were indeed minor. But it was not appropriate to articulate this to Mr Iqbal and Mrs Butt in the dismissive way it was, particularly when Mrs Butt was very obviously emotionally upset by her experience.

3.46 Allegation a.c. Proved. The third specific allegation was that PC Bramley quickly dismissed an allegation of racist behaviour without exploring this with the complainants and without allowing them to provide an “account in this regard”. Instead, it was alleged that he accused the complainants of interrupting him when in fact he was the person doing the interrupting. On viewing the BWV footage neither Mrs Butt nor Mr Iqbal made a specific allegation of racist behaviour. Mrs Butt tried to explain the disagreement she had with Mr King junior over the plastic bag and she remarked that a “British person” was given a bag at the same time. The implication being that a person of different ethnicity was treated more favourably. It is not clear from the BWV footage whether this implied allegation registered with PC Bramley at the time. But it was Mr King junior who first verbalised the issue of race when he asserted to PC Bramley that he did not use any racist language during the course of the argument with Mrs Butt and indeed Mrs Butt did not allege that he did use such language.

3.47 When PC Bramley returned to Mr Iqbal and Mrs Butt, he did not allow Mrs Butt to elaborate on the incident when she began to explain how another person was given a bag. PC Bramley cut her off by presenting Mr King junior’s version of events, which he had clearly accepted as the truth, by stating that “*It’s nothing to do with race...*” and “*nothing to do with religion*”. Although there was no unequivocal allegation of racist behaviour, Mrs Butt evidently suspected that she was treated differently because of race. Mr King junior of course indicated that he had a good reason for not supplying a plastic bag, which had nothing to do with race, and which was that Mrs Butt had a number of empty shopping bags of her own under her arm. But PC Bramley erred by dismissing Mrs Butt’s concern out of hand and unfairly accused her of interrupting him when it was he who repeatedly and quite aggressively interrupted her attempts to give an account of what happened.

3.48 Allegation a.d. Not Proved. This allegation was that PC Bramley used inappropriate and racist language towards the complainants by stating “*If he’d cut your hand off he’d be coming in all day.*” The Panel was not satisfied that this was a reference to Sharia law as alleged by the AA. Instead, the Panel found this was a clumsy but genuine attempt by PC Bramley to explain that an arrest would be made if an assault caused serious injury, and that an arrest was not legally permissible in the instant case because there was no injury.

3.49 Allegation a.e. Not Proved. Whilst his physical size compared to that of Mrs Butt and Mr Iqbal, together with his curt tone and use of hand gestures, may have been unsettling for the complainants, the Panel was not satisfied that PC Bramley’s attitude and body language could be properly described as intimidating.

3.50 Allegation b. Proved. PC Bramley was polite and jovial when speaking to the “alleged perpetrators”. The Panel did not find that PC Bramley’s behaviour towards the Kings could be described as deferential, although it was certainly over familiar in the circumstances. It must be emphasised for the record that no action was taken against Mr King senior or Mr King junior and nothing in this report should be taken as implied or specified criticism of either gentleman. The Panel was not concerned with deciding the truth of the allegations made against them and it made no judgement of those allegations, focusing solely on the allegations brought against PC Bramley.

3.51 The incident the officers were deployed to was one involving two parties and PC Bramley was under a duty to deal with both sides without favour. He failed in that duty by clearly favouring the two white gentlemen who were the subject of a complaint, over the non-white Muslim complainants.

3.52 PC Bramley also gave undue weight to what he deemed to be a counter allegation by Mr King senior. Mr King senior made very little of the matter which PC Bramley took to be a counter allegation. Mr King senior did not complain verbally of being assaulted by Mr Iqbal. It was agreed by the parties that Mr King senior gestured with his left hand in a finger poking motion. This could not be seen on the BWV footage because it was out of shot. But PC Bramley evidently seized upon this as a counter allegation of assault. It was clear from his subsequent interaction with Mr Iqbal and with Messrs King junior and senior that he placed greater weight on this allegation than he did to Mr Iqbal’s complaint of a similar minor assault.

3.53 Allegation c. Proved. PC Bramley did fail to conduct a thorough and impartial investigation. It was accepted that other officers would subsequently be tasked to carry out a full investigation of the incident at the market. But PC Bramley was an important part of the investigation process. It was his duty to establish the nature of the allegations and to obtain details of potential witnesses at the scene as these actions would determine later investigative actions, including how far the matter would be pursued. The Panel rejected PC Bramley’s assertion that he handled the incident correctly by leaving PC Hart to obtain a description of the allegations from Mr Iqbal. Common sense dictates that PC Bramley needed to have at least a bare outline of the allegation before speaking to potential suspects. The consequence of failing to do so was that he prematurely approached Mr King senior having obviously formed a settled and incorrect view of the incident. In his mind the incident was

limited to Mrs Butt's complaint about an argument over a plastic bag. It was only when he returned to the complainants that he learned from PC Hart that there was more to the incident than he initially thought.

3.54 Mr Iqbal identified a possible eyewitness to the incident. A competent, unbiased police officer would have spoken to that witness, obtained a first account from them and their contact details. PC Bramley said that he could not recall if he did speak to the witness and obtain his details. But the Panel found that on the balance of probability he did not do so, because if he had done so he would have recorded the fact, either on the police log, in the later crime report or in his police pocket notebook. No such evidence was produced or referred to by PC Bramley. From the absence of such readily available evidence (if the witness was spoken to) the Panel drew the inference that he did not speak to the witness. The Panel concluded that he failed to speak to the witness because he had no interest in properly dealing with Mr Iqbal's complaint of assault.

3.55 Watching the BWV footage as a whole it was clearly apparent that PC Bramley had made his mind up that no further action would be taken against the Kings, even though he had given a contrary assurance to Mr Iqbal and Mrs Butt that their complaints would be investigated. The final interaction with Messrs King junior and senior demonstrated PC Bramley's settled view, referring to Mr Iqbal as "*he*" and him wanting to "*...make a complaint*". To which he added "*I'm not interested of [sic] doing so from your dad coming up to him and going 'what's all this?'*"

3.56 Allegation d. Proved. PC Bramley did treat the complainants differently and he eventually accepted in oral evidence that he did. PC Bramley had no realistic alternative to making this admission because it was obvious from the BWV footage that he treated the parties differently. To one side he was courteous, polite and sympathetic. To the other side he was rude, dismissive and disinterested. The reason he gave for this difference in treatment was Mr Iqbal's behaviour and attitude towards him. PC Bramley said that his "back was up" due to the disagreement with Mr Iqbal over recording on the officers' BWV cameras. But that explanation simply did not withstand logic because the BWV disagreement took place at the very end of PC Bramley's encounter with Mr Iqbal and so could not be used to justify PC Bramley's actions and behaviour before that point. Throughout the interaction between Mr Iqbal and PC Bramley, the former was perfectly equable, despite PC Bramley's at times unattractive demeanour.

3.57 Allegation e. Proved. The Panel was satisfied that PC Bramley's treatment of Mr Iqbal and Mrs Butt, and their allegations, was motivated by racial or religious prejudice and that his conduct amounted to discrimination. PC Bramley admitted in oral evidence that he treated Mr Iqbal and Mrs Butt differently to the Kings. Having rejected PC Bramley's explanation that his less favourable treatment of the complainants was a reaction to their behaviour towards him, and in the absence of any alternative explanation, the Panel found his less favourable treatment of them was based on their race or religion, which was self-evidently different from that of the Kings. The Panel also rejected PC Bramley's evidence that he did not know or suspect that Mr Iqbal and his wife were Muslim and of south Asian heritage. The Panel found that PC Bramley intentionally and knowingly gave false evidence on this

point and did so in an attempt to distance himself from the allegation of prejudice and discrimination.

3.58 The Panel also found that PC Bramley's discriminatory behaviour was conscious behaviour. His discriminatory behaviour was present throughout the entire incident, which involved going back and forth between the complainants and the suspects several times. On each occasion he went to speak to either Mr King junior or Mr King senior, he was able to immediately switch from his sceptical and abrupt manner, to one of sympathy and politeness, then switching back again to a less attractive version of himself when speaking to Mr Iqbal and Mrs Butt. This repeated behaviour indicated conscious decision-making by PC Bramley.

The SPB (Stage 2)

3.59 The Panel was satisfied that PC Bramley's conduct towards Mr Iqbal and Mrs Butt demonstrated a lack of courtesy and respect. The Panel also found that PC Bramley did begin to make a threat that he would arrest Mr Iqbal if he returned to the market and found him there. PC Bramley had no proper basis for making such a threat. Mr Iqbal and his wife were the complainants, and they were not behaving in a way which might give rise to a concern that offences or a breach of the peace would occur. Furthermore, it was evident that Mr Iqbal and his wife had no intention of remaining in the market. PC Bramley did not complete his threat of arrest, but his meaning was clear to Mr Iqbal and to the Panel. It was a further clear indication of his animosity towards Mr Iqbal, and it was an abuse of his authority. The SPB relating to Authority, Respect and Courtesy was breached.

3.60 The SPB relating to Equality and Diversity was breached because PC Bramley did not act with fairness and impartiality. Instead, he actively discriminated against members of the public because of race or religion.

3.61 PC Bramley breached the SPB relating to Duties and Responsibilities. His duties and responsibilities required him to carry out an effective preliminary investigation with impartiality. The manner in which he failed to carry out his duties and responsibilities fell far below the required standard, and he did so knowingly.

3.62 PC Bramley also breached the SPB relating to Discreditable Conduct when his conduct was assessed overall.

Misconduct, Gross Misconduct or Neither (Stage 3)

3.63 The Panel was satisfied that the aforementioned breaches were so serious that dismissal could be justified and therefore amounted to gross misconduct.

4. PANEL DETERMINATION OF OUTCOME AND REASONS

4.1 Having made its determination on the facts of the case and on finding gross misconduct, the hearing moved to deal with outcome.

4.2 Mr Messling made submissions on outcome for the AA. Mr Messling submitted that the appropriate outcome in this case was one of dismissal without notice.

4.3 Mr Banham made written and oral submissions on the officer's behalf. Mr Banham brought to the Panel's attention the officer's previous good character, save for the Written Warning mentioned earlier in this report. That warning was said to have arisen out of anti-racist behaviour by PC Bramley. The Panel was also referred to numerous statements attesting to PC Bramley's conduct and performance. Mr Banham submitted that a Final Written Warning would satisfy the purpose of the police misconduct regime in this case.

4.4 The Panel adjourned to decide outcome, and in doing so it followed the 3-stage approach laid down in the College of Policing Guidance on Outcomes. The Panel reminded itself that the outcome imposed can have a punitive effect, therefore it should be no more than is necessary to satisfy the purpose of the proceedings. It reminded itself that it must consider less severe outcomes first before considering more severe outcomes, always choosing the least severe outcome which deals adequately with the issues identified, whilst protecting the public interest. The Panel understood that if an outcome is necessary to satisfy the purpose of the proceedings, it must impose it even where this would lead to difficulties for the individual officer or former officer.

4.5 The Panel followed the three-stage approach as follows:

Stage 1: Assess Seriousness.

Stage 2: Remind itself of the purpose of the Police Misconduct regime.

Stage 3: Determine the sanction most appropriate to the purpose.

Seriousness

4.6 The Panel accepted that any case of gross misconduct which comes before a police misconduct hearing is to be considered a serious matter. But the Panel was reminded that its function is to decide *how* serious the gross misconduct was in this case.

4.7 The Panel assessed the level of seriousness by following the four-phase approach as laid down in the College of Policing Guidance on Outcomes.

Phase 1: Assess Culpability.

Phase 2: Assess Harm.

Phase 3: Consider Aggravating Factors.

Phase 4: Consider Mitigating Factors.

Culpability

4.8 Culpability was determined by considering the non-exhaustive list of culpability sub-factors in the Guidance on Outcomes and any others it deemed to be relevant.

4.9 The Panel found that PC Bramley acted intentionally and deliberately. The BWV footage showed the ease with which PC Bramley was able to present two quite different personae: one to the complainants and one to the suspects. This satisfied the Panel that PC Bramley consciously decided how he would behave to the respective parties. When viewed objectively, the way he treated the two parties was radically different and the way in which he switched his persona back and forth several times, persuaded the Panel that his discrimination was a deliberate act, based on prejudice towards race or religion. As a police officer he had the necessary training to be fully aware of the requirement to act with complete impartiality and not to discriminate on the basis of protected characteristics, yet he chose to ignore that training. Being an officer in such a culturally diverse force as the West Midlands made it all the more likely that PC Bramley was fully aware that his behaviour was reprehensible and that he was aware of the harm his behaviour might do to the reputation of WMP. Despite his awareness, he behaved in the way he did, regardless of the possible consequences.

4.10 The Panel also found that PC Bramley's behaviour falls into the "*especially serious*" category of discrimination which is described at paragraphs 4.54 to 4.59 of the Guidance on Outcomes. The Panel took particular note of paragraph 4.57: as a case of conscious or deliberate discrimination PC Bramley culpability was particularly serious.

4.11 The Panel determined culpability by considering a spectrum of blameworthiness which it articulated as *low*, *medium* or *high*.

4.12 Having considered the above factors, the Panel decided that PC Bramley's culpability was best described as **high**.

Harm

4.13 The Panel referred itself to the harm factors suggested in the Guidance.

4.14 The Panel took into account the injury to feelings suffered by Mr Iqbal and Mrs Butt and their likely loss of trust and confidence in the police. But in this case, the most obvious and serious harm done, or likely to be done, is reputational harm. The Panel carefully considered the degree of potential reputational harm. There is genuine and persistent public concern about prejudice within the ranks of the police which may manifest itself as discriminatory behaviour. If the full facts of this case were made known to the public, the Panel found that the harm done to WMP, which serves especially diverse communities, can accurately be described as **high**.

Seriousness Starting Point.

4.15 Having assessed culpability and harm, the Panel decided that the seriousness starting point was at the **high** level.

Aggravating Factors

4.16 The Panel found there were no aggravating factors which had not already been taken into account as part of its assessment of culpability and harm.

Mitigating Factors

4.17 The Panel found that this incident was a single episode of brief duration and treated this as a mitigation factor.

4.18 The Panel took into account everything that was said which might tend to suggest PC Bramley had shown insight and remorse. However, the Panel decided that PC Bramley had not shown any genuine remorse or insight. Throughout his evidence he repeated the assertion that his unfavourable treatment of Mr Iqbal and Mrs Butt was a direct response to their behaviour towards him. The Panel had no hesitation in rejecting his assertions as it was abundantly clear to any reasonable and objective observer that Mr Iqbal and Mrs Butt did nothing to justify his behaviour at the time or his subsequent derogatory assertions about them.

4.19 The Panel did carefully consider the suggestion that PC Bramley is autistic. But the Panel did not treat this as a mitigating factor. This was because PC Bramley has not been diagnosed as autistic and the Panel was given no indication of when he is likely to be assessed for this neurodiverse condition. At its highest, PC Bramley's case in regard to possibly being autistic is that he believes this may cause him to lack empathy. However, in the instant case he was perfectly capable of demonstrating empathy and understanding towards one party but chose to adopt a different approach to the other.

Overall Assessment of Seriousness

4.20 Having assessed aggravating factors and mitigating factors, the Panel decided that the single mitigating factor in this case did not carry sufficient weight to justify any adjustment to the seriousness Starting Point. Therefore, seriousness remained at the **high** level.

The Previous Misconduct

4.21 Although made aware of the previous incident which resulted in a Written Warning, the Panel did not use it as an aggravating factor in this case. The Panel determined seriousness based on its assessment of the facts of the instant case alone. The Panel did take into account Mr Banham's proposition that the previous Written Warning undermined the suggestion of deliberate discrimination, but it was not persuaded that it had such an effect. PC Bramley may well have been upset by

the overt and highly offensive racist behaviour of the arrested male towards his female Muslim colleague during a separate incident, but it did not automatically follow that PC Bramley was incapable of holding inherently prejudicial views of his own.

The Purpose

4.22 Having assessed seriousness as **high**, the Panel reminded itself of the purpose of the police misconduct regime before deciding on the appropriate sanction. The threefold purpose is as follows:

- Maintaining public confidence in and the reputation of the Police Service.
- Upholding high standards in policing and deterring misconduct.
- Protecting the public.

Deciding Outcome

4.23 As required by the Guidance on Outcomes, the Panel moved to the third stage of the sanction process by considering the least serious outcome available to it that would meet the threefold purpose of the misconduct regime.

4.24 The least serious sanction available was a Final Written Warning and the Panel considered if this could be the sanction that satisfied the purpose of the police misconduct regime.

4.25 The Panel decided that a Final Written Warning would not meet the purpose of the misconduct regime on the proven facts of this case.

4.26 In this case, the Panel concluded that anything less than dismissal would seriously undermine public confidence in the police and would not act as a deterrent to others.

Personal Mitigation

4.27 The Panel took into account the many positive character references produced in support of PC Bramley, together with his Chief Constable's commendations. The Panel was satisfied that PC Bramley had given good service before and after this incident. But the same is true of the vast majority of police officers who have committed gross misconduct. The Panel saw and heard nothing to suggest that PC Bramley had any personal mitigation of such weight to justify stepping down from a finding that dismissal is the appropriate outcome in this case. The Panel concluded that retaining him would potentially do great harm to trust and confidence in WMP.

4.28 For the above reasons the Panel found that PC Bramley must be dismissed without notice.

4.29 PC Bramley will be placed on the Police Barred List.

Mr Callum Cowx – LQC
Supt Paul Minor – PPM
Ms Rachel Forster – IPM

14 November 2024