

Accelerated Misconduct Hearing

Regulation 63 – Notification of Outcome

Officer:	PC 4101 Lynette Fegan
Date:	2 nd September 2026
Chair:	Debra Tedds

The Decisions of the Hearing

Allegation No.	Allegations (See Regulation 51 Notice)	Finding Proven / Not Proven	Outcome
	It is alleged that you breached the Standards of Professional Behaviour in that you misused Force computer systems by accessing and using policing systems outside the proper course of your duties. Between the dates 25 November 2020 and 22 November 2025, whilst off duty, you conducted searches which were outside of the proper course of your duties on ControlWorks, Insight and Connect to access confidential information in respect of your relatives as follows:		
1.	On 25 November 2020 you accessed ControlWorks to view log 4293, which relates to a call for service made by your Family Member. You accessed this log nine times between the hours 20:56 and 21:26.		
2.	On 23 March 2025 you accessed Insight and conducted the following searches: - Seven searches using your Family Member name - You viewed reports involving him including custody record DZ000222003 and crime report K10239492. - You then searched the address [REDACTED] which was a previous address occupied by you.		
3.	Between 23 March 2025 and 22 November 2025, you accessed Connect and conducted the following searches: 23 March 2025 - a search of your Family Member name and viewed crime report 20DY/117147V/19 and custody record DZ000222003 involving him. You then viewed further records before viewing crime report 20/69149M/13 pertaining to NS. 22 November 2025 – a search of your Family Member name and viewed live custody record 20CW/23680/25 and investigation record 20/451607/25 which involved him.		

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	By accessing police systems on the above occasions, your actions breached the Standards of Professional Behaviour relating to Confidentiality and Discreditable conduct: Confidentiality – you failed to treat sensitive policing information with respect, and you did not access it for policing purposes in the proper course of your duties. Discreditable Conduct – your conduct has brought discredit on you as a police officer and policing generally. You have abused your position as a police officer which gave you privileged access to confidential policing information. Accessing such information without a policing purpose is a significant breach of trust, causing a loss of public trust and confidence in the profession. Your conduct is considered so serious as to amount to gross misconduct.		
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The reasons for the decision as to Finding:

I have read the papers and considered what has been said at the hearing. I was satisfied that all documents and preliminary matters had been dealt with in accordance with the regulations.

As Chair, under the regulations I am asked to approach this case in stages, which I have done so.

The person or persons conducting the misconduct proceedings must not find that the conduct of the officer concerned amounts to misconduct or gross misconduct unless:

- A. They are satisfied on the balance of probabilities that this is the case or
- B. The officer admits it is the case.

I am required to establish the facts, whether those facts breach the standards of professional behaviour as outlined and if they do breach the standards – whether they amount to misconduct, gross misconduct or neither.

The Appropriate Authority relied on evidence from an IT audit that showed the officer had accessed police systems to search on family members on three separate occasions. The officer accepted within her regulation 54 response and oral submissions at the hearing that she accessed the systems as alleged, for her own personal use and outside of her duties and admitted that the conduct amounted to gross misconduct and breached the professional standards of behaviour for both confidentiality and discreditable conduct.

The burden is on the AA to prove the allegations on the balance of probabilities.

I have carefully considered the oral submissions made by both parties and the papers within the hearing bundle. I have also considered and applied the College of Policing guidelines on Outcomes.

Based on what I have heard and read, I find that the factual allegations and breaches of the Standards of Professional Behaviour are proven – namely Confidentiality and Discreditable Conduct. The officer failed to treat sensitive policing information with respect and did not have a policing purpose to access it in the proper course of her duties which is a significant breach of trust, causing a loss of public trust and confidence in the profession.

In determining the seriousness of the breaches and having regard to the College of Policing guidelines on Outcomes and the definition of gross misconduct in Regulation 2 of the Regulations, in my view, these breaches amount to gross misconduct, that is to say that is so serious that the officers' dismissal would be justified.

The reasons for the decision as to Outcome:

In arriving at my decision I have very carefully considered what the appropriate outcome is in this case on a finding of gross misconduct and focused on the evidence within the bundle and oral submissions made by both parties at the hearing. I have also considered the officers record of service including rewards and recognition and extensive character evidence.

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

- A final written warning
- A reduction in rank
- Dismissal without notice

Submissions were made by the Appropriate Authority that the appropriate Outcome in this case should be dismissal. On behalf of the officer submissions were made that this case could be dealt with by way of final written warning and made representations that exceptional circumstances applied.

As agreed by both parties there is a presumption within the regulations and guidance that with a finding of gross misconduct the disciplinary action that would follow is dismissal without notice as per the amended regulations 2025, unless I find that there are exceptional circumstances which would rebut that presumption.

The threshold for this, I believe, should be an extremely high bar, and should be unique and determined on a case by case basis. There is no guidance or case law to assist in this determination and therefore one to be considered based on the circumstances of the case and the representations made.

I have reminded myself of the purpose of the police misconduct regime which is: -

- Maintain public confidence in and the reputation of the police service
- To uphold high standards in policing and to deter misconduct
- To protect the public.

I am minded that the misconduct regime is not a punitive one and have considered less serious disciplinary sanctions before more serious ones and identified what I believe to be the least severe outcome which deals adequately with the issues identified whilst protecting the public.

I have also utilised the College of Policing Guidance on outcomes to assist in determining the most appropriate outcome and assessed the seriousness of the proven conduct through culpability, harm, aggravating and mitigating factors before considering any personal mitigation.

I set out my conclusions and the reasons as below.

Culpability

Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

I believe that the conduct is intentional, deliberate and targeted. Whilst the officer was off duty, she deliberately logged into the separate systems in order to conduct searches to find information relating to an incident reported by her **Family Member** and at a later date, on two separate occasions, to identify the whereabouts of her **Family Member**. On all three, the officer searched a number of systems, on a number of occasions, on each of the dates detailed.

The misuse of police computer systems or confidential police information is a particular concern for the police service due to the level of sensitive and confidential information held. The public provide information under an expectation that it will be treated in the strictest confidence, properly protected and used only for legitimate policing purposes. The College of Policing guidelines states *under no circumstances should anyone access or use police information for personal benefit*.

Force systems hold a warning on logging in reminding the user access should be for legitimate policing purposes only in line with local and national policy. You have also undertaken systems access training.

Accessing confidential police information without a legitimate policing purpose is an abuse of an officer's position. I believe the systems were used as the officer's own for her own purpose opposed to calling the Police like any other member of the public would be expected to do.

I assess the culpability as high.

Harm

The harm caused by an officer's actions can be considered in various ways.

There is no actual victim in this case, however if the public knew about the circumstances public trust and confidence in policing and reputational damage would be damaged. As already stated, the public provide information believing it will be kept securely and accessed for a policing purpose only. PC Fegan also accessed information relating to a third party.

Aggravating factors

Aggravating factors are those tending to worsen the circumstances of the case, in relation to either the officer's culpability or the harm caused.

I have sought to avoid double counting either within the list or with the factors already considered as part of my assessment.

As already stated, whilst I do not believe that PC Fegan's actions were premeditated and planned, I do believe that her actions were deliberate, for each of the allegations as she did not want to call the Police for help.

PC Fegans' conduct is a significant deviation from instructions and force and national policy which I believe due to her length of service and experience and training she should and would be aware of.

There are multiple proven allegations involving three separate incidents and multiple occurrences on logging onto three separate systems.

Mitigating factors

Mitigating factors are those tending to reduce the seriousness of the misconduct.

Admissions were made at an early stage and genuine remorse and insight demonstrated with the officer accepting responsibility for her actions.

There is no evidence to suggest that the information obtained was passed onto anyone else and therefore I believe on each occasion was for PC Fegan's own personal use and reassurance.

Personal mitigation

The weight of personal mitigation will necessarily be limited, particularly where serious misconduct has been proven. Personal mitigation should always be taken into account.

I have no doubt that PC Fegan is a very well regarded and respected officer, with a previously unblemished record, and has served the public of West Midlands over a number of years. This is supported which through her extensive service record and character evidence from both colleagues and partners/members of the public provided.

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Representations were made on behalf of PC Fegan that due to social distancing restrictions being in place during the COVID 19 pandemic she was unable to go to her **Family Member** address and therefore accessed the systems, from home to check that the police were attending.

In relation to allegations two and three representations were made that PC Fegan did not want to expose her family to what was happening and therefore, in a frantic attempt to locate her **Family Member** again accessed the systems.

No medical evidence was submitted in order to support any mental health concerns.

Exceptional circumstances

The Appropriate Authorities submission was that mitigation put forward amounted to personal mitigation and does not constitute exceptional circumstances.

It was the officer's case that the circumstances surrounding each allegation do constitute exceptional circumstances and, whilst PC Fegan accepted access did not meet a policing purpose, was made through a desire to safeguard individuals and the wider family unit.

There was no medical evidence submitted to support the submissions though I have no doubt the officer would have been under personal distress on each occasion.

I have considered whether there are exceptional circumstances in this case. In my view, there are not. PC Fegan should have not accessed the systems in the manner that she did and could have contacted a supervisor or on duty officer and asked for help.

Outcome

Having considered all of the circumstances and referring to the College of Policing guidance on outcomes, I believe PC Fegan abused her privileged position of being a police officer and used the systems as her own. Whilst I understand the reasons and personal mitigation put forward relays the emotional state PC Fegan found herself in and made the officer feel that she was in a difficult position, I cannot accept that this amounts to exceptional circumstances and does not outweigh the seriousness of the officers actions and what I believe to be a pattern of behaviour over a period of time which would seriously undermine public confidence in the way policing holds their information.

I therefore feel that the only appropriate and proportionate outcome which best fits the purpose of these proceedings is dismissal without notice.

In any event, I have considered whether a final written warning would be appropriate if I had found there to be exceptional circumstances which justify it. This is a case where I have assessed culpability and harm were as high and is a serious breach of the standards of professional behaviour. Trust and confidence in the police would be significantly damaged. There are multiple proven allegations over a period of time accessing multiple systems.

Given the officer is a police constable, it would not be possible to reduce their rank any further and therefore that outcome would not be appropriate even in exceptional circumstances.

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Regrettably, due to the seriousness of the breaches, the only appropriate outcome for this case is dismissal without notice.

Under Regulation 63, I am required to submit a report to the Appropriate Authority setting out my findings, the reasons for my findings and any disciplinary action imposed.

Reg 63(2) Right of Appeal:

You have a right of appeal against the outcome under the following circumstances: -

- a) the finding or outcome was unreasonable;
- b) 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; or
- c) there was a breach of the procedures or other unfairness which could have materially affected the finding or decision on outcome.

Should you wish to appeal this must be done to the Police Appeals Tribunal by writing to the Police and Crime Commissioner, West Midlands Office for Policing and Crime **within ten working days** beginning with the day after receipt of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the chair. You have the right to be legally represented at the appeal hearing.

Decision on Publication:

Chair's Signature:

DJ Tedds

Date: 05/09/2026