SOUTH WALES POLICE

NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING

(Regulation 43 Police (Conduct) Regulations 2020) as amended by the Police (Conduct) Regulations 2024).

The Officer concerned: PC 8259 Dorian Krzemien.

Dates of hearing: 16th and 17th June; 8th, 9th, 10th and 16th December 2025.

Name of person chairing: ACC Jenny Gilmer

Names of Panel Members: Mrs Carli Evans (IPM) and Mr Jamie Elliott. (IPM).

Name of Legally Qualified Person (LQP) – Mr. Christopher McKay.

THE DECISIONS OF THE HEARING

BACKGROUND

Student Police Constable 8259 Krzemien is aged 31. He joined South Wales Police as a student constable on the 23rd March 2022. SPC Krzemien lives with his parents in Aberdare. The family are originally from Poland. SPC Krzemien moved with his parents to the UK in 2006. His first language is Polish [redacted]

On the 16th May 2023 South Wales Police received a referral regarding Student Police Constable 8259 Krzemien. It was alleged that he had been dishonest in what he had said to his supervisor when questioned about a call he had attended. He had attended a house where 3 guns were observed. He failed to take appropriate action and was alleged not to have told the truth about what had happened. On the 25th May 2023 an assessment was conducted and a decision made to record the matter as Gross Misconduct. On the 18th May 2023, South Wales Police, Professional Standards Department received a further referral regarding SPC Krzemien. It was alleged that whilst on a social night out with colleagues he had grabbed a colleague's breasts and squeezed her nipples. On the same date South Wales Police received a report that a gang of ex-pupils were forcing entry into Aberdare Community School and had assaulted someone. This call was graded G1, meaning that urgent assistance was required. SPC Krzemien is alleged to have refused to attend.

In his Regulation 31 Response, relation to allegation 1, SPC Krzemien admitted failing to report what he had observed in the house in Mountain Ash on 15th May 2023, but he denied giving a dishonest account to PS Lean the next day. He admitted failing to carry out his duties and

responsibilities fully. He claimed it was a performance issue only. He denied allegations 2 and 3. This position was repeated by his Counsel at the start of the Misconduct Hearing.

PRELIMINARY ISSUES

The Panel received the hearing bundle consisting of 295 pages in advance of the hearing.

The Chair decided prior to the hearing that anonymity and a reporting restriction should be granted in relation to one of the witnesses in the case and that the witness should be referred to as Officer A. This decision was made to protect this witness from public embarrassment should the nature of the allegations come to public and media attention. During the hearing a further order for privacy was made and communicated in relation to confidentiality of medical evidence heard during the course of the hearing. This order was made in response to an application by Counsel for the officer and was not opposed by Counsel for the AA.

FINDINGS OF FACT

Throughout the hearing the Panel has borne in mind that the burden of proof is on the AA and the standard of proof is the balance of probability. That means that the Panel must be satisfied that it is more likely than not that a fact occurred before they can find it to be true.

The Panel heard oral evidence from witnesses PC Katie Jones, PC Jack Jones, PS Scott Lean, PC James Crimmings, PC James Williams, Officer A and PC Krzemien. They Panel also heard expert evidence from Dr Heffer-Rahn in relation to the content of a medical report provided by the Officer.

When considering the evidence of PC Krzemien, the Panel were advised by the LQP that they should bear in mind that he is of good character. This is relevant in two ways. First, the officer has given evidence and made pre-hearing comments during interviews with investigating officers. His good character supports his credibility. It is a positive feature which the Panel members should take into account when considering whether they accept what he has told them in his oral evidence and pre-hearing comments. Second, the fact that the officer has no previous convictions or disciplinary findings against him may mean that he is less likely to have committed the misconduct alleged against him.

The findings of fact made by the Panel are as follows:

Allegation one

1. On 15 May 2023, you attended a report of a disturbance at an address in Cefnpennar, Mountain Ash, where you saw three guns inside the kitchen of the address; a handgun and two rifles.

2. You failed to inform anyone on 15 May 2023 of what you had observed in relation to the guns in the address and you failed to submit any intelligence related to the guns.

3.On 16 May 2023, you asked your supervisor, PS 6118 Scott Lean to review an intelligence report related to the incident on 15 May 2023 in which you made reference to a beige handgun and two rifles.

The Panel find elements 1,2. and 3. of Allegation one to be proven. By the admission of PC Krzemien and supported by the accounts given in the statements and via live evidence of PS Lean and PC Jones, there is no dispute that PC Krzemien attended the address where he saw three guns in the kitchen, that he failed to notify anyone about what he had seen and that there was no attempt to submit intelligence or escalate the matter to his Sergeant until the following day, when he asked PS Lean to review an intelligence report related to the guns. PC Krzemien did not seek expert advice or support with regard to the decisions which needed to be made in the way that would be expected by force policy and his training.

4. When asked by PS Lean to account for any action taken when you identified these guns, you gave a dishonest account as to the manner in which you purportedly examined the handgun and deemed it to be safe.

In the course of the hearing Counsel for the AA advised the Panel that they would not be proceeding with this element of allegation one and as a consequence the alleged breach in respect of the standard of Honesty and Integrity would no longer be pursued.

The above conduct breached the Standards of Professional Behaviour relating to Honesty and Integrity, Duties and Responsibilities and Discreditable Conduct and amounts to gross misconduct.

Honesty and Integrity

As above the AA advised the Panel of their intention not to proceed with the allegation which constitutes a breach in relation to the standard of honesty and integrity.

Duties and responsibilities

The standard of duties and responsibilities says that police officers are diligent in the exercise of their duties and responsibilities.

The Panel find that there was a breach of this standard in that by his own admission he failed to carry out his duties and obligations to the best of his ability and on reflection would do things very differently in future. He was not alert to the potential risks at the time of his attendance in the way that is required. PC Krzemien took full responsibility and explained his actions and decisions albeit the action taken was not to the required standards. PC Krzemien's inaction that day necessitated remedial action by his sergeant.

Discreditable conduct

The standard of discreditable conduct says that an officer must conduct themselves on and off duty in a way which does not bring discredit to the force or undermine public confidence in policing.

The Panel finds that there was a breach of this standard in that the public rightly expect a member of the police force to act in a way which maintains trust and confidence and should it become known that an officer had failed to deal with of an incident of this nature in a safe and effective manner, then the confidence of those immediately involved and wider public confidence could indeed be compromised.

Allegation two

5. On 18 May 2023, a report was passed over the air by the (South Wales Police) Public Service Centre of an ongoing incident at Aberdare Community School, involving a gang of ex-pupils attempting to gain access to the building. It was reported that they had assaulted a person giving them a bloody nose.

6. The incident was graded G1 and required an immediate response.

7. Prior to receipt of that call, you had been briefed by your supervisor, PS 6118 Scott Lean, that officers, including you, were expected to attend G1 incidents and not wait to be allocated to those incidents.

The Panel finds the above elements of allegation two to be proven based on the radio logs which have been provided, the live evidence and statement provided by PS Scott Lean, the evidence of PC Jack Jones and the evidence provided by PC Dorian Krzemien. There is no dispute that the call described was passed over the air, that it was assessed as requiring an immediate response and therefore graded as a 'G1', or that PC Krzemien had been briefed by PS Lean regarding his expectations on attendance.

8. Following receipt of the said call, and when asked by your colleague PC 8471 Jack Jones to attend the incident with him, you refused.

The Panel find this to be proven on the balance of probability, however, whilst the Panel finds that there was a technical refusal to attend, the Panel are less clear on the reasons for this.

The Panel found the witness PC Jack Jones to be an honest and credible witness and has no reason to discount his version of events. He stated that the call was passed over the radio several times in a room where there were eight to ten people present and at least some of those had their radio turned on. The Panel were provided with call logs as part of their bundle which demonstrated that he and PC Krzemien were attached to the call by PS Lean. The Panel also noted the account of PC Krzemien that he had misunderstood the verbal request from PC Jones to attend and believed that he was referring to another call which PC Krzemien needed to attend that same afternoon. The Panel found no reason to believe that PC Krzemien would not have attended the G1 call. The Panel also noted that the times from the call coming in to the officers being attached was around four minutes, so any refusal was temporary in nature but note also that here was a period between 15:25:01 and the officers being attached to the call at 15:27:26 which represented delay in a member of the public receiving required assistance. When attached to the call PC Krzemien attended.

The above conduct breached the Standards of Professional Behaviour relating to Orders and Instructions, Duties and Responsibilities, and Discreditable Conduct and amounts to gross misconduct.

Orders and Instructions

The standard of professional behaviour in relation to the Orders and Instructions states Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.

The Panel found proved above that PC Krzemien did not initially attend the G1 call, which was passed over the radio although he gave an objectively reasonable explanation for his failure to do so. The Panel do not find a breach of the standard of orders and instructions.

Duties and responsibilities

The standard of professional behaviour in relation to duties and responsibilities states Police officers are diligent in the exercise of their duties and responsibilities.

The Panel found that PC Krzemien had a responsibility to attend such a call having been briefed by PS Lean, that it was his role to do so that day and having been prompted by PC Jack Jones (as per the allegation). In view of the fact that a G1 is the most urgent of calls and requires immediate responsiveness and this did not happen on this occasion, the Panel do find a breach of the standard of duties and responsibilities.

Discreditable conduct

The standard of professional behaviour in relation to discreditable conduct states that an officer must conduct themselves on and off duty in a way which does not bring discredit to the force or undermine public confidence in policing.

The Panel found that PC Krzemien's explanation for his initial refusal to attend was genuine and there were a number of contributing factors. The Panel did not find ill-intent in relation to PC Krzemien's behaviour.

Allegation three

9. *On 19 August 2022, whilst on a night out in Cardiff, without asking "Officer A" and whilst you were stood behind her, you placed your left hand on her left breast.*

The Panel heard multiple varying and inconsistent witness accounts about the evening of 19th August 2022, including from PC James Crimmings, PC James Williams, Officer A and PC Krzemien himself, all of whom provided live evidence. All witnesses had by their own admission consumed alcohol on the night in question and were at varying degrees of intoxication. Of the witnesses only PC Crimmings described witnessing an interaction where there was potential contact with Officer A's breasts. The Panel noted that this allegation had come to light ten months after the behaviour in question and this had been via a throwaway disclosure from PC Crimmings to PS Lean. The Panel noted that the physical contact was described to PS Lean (hand gestures illustrating breasts being squeezed and nipples tweaked) as per his evidence in a manner which was inconsistent with how it was later described during PC Crimmings' live evidence where he described Officer A being grabbed from behind. PC Crimmings's described himself angrily remonstrating with PC Krzemien but no other witness had recollection of this. This inconsistency in the only witness describing the touching as being sinister in nature was of note. The Panel noted that PC Crimmings was emotional and then became disengaged during his evidence. The Panel were not impressed by the reliability of the evidence given by this witness. PC Williams gave evidence that he had witnessed contact between PC Krzemien and Officer A and heard shouting but described what he saw as being neither sinister or malicious and noted that the evening continued in a similar jovial nature. The Panel found PC Williams to be credible, articulate and measured during his live evidence and of all the witnesses preferred his evidence.

Officer A stated in her live evidence that she remembers nothing of note from that evening but remembers an arm being placed around her but she described that as being just a friendly interaction. She came across as somewhat reluctant when giving her live evidence. She had no recollection of anyone challenging PC Krzemien. PC Krzemien gave evidence in both his interview and his live evidence and was questioned on his recollection of the events of that evening. He talked about how he was sitting on a bench in the accommodation at one point with his arm on the back of the bench when Officer A sat beside him describing how the arm was already in place at this point and that there was potentially a brush of the shoulders when passing each other but he does not recall any inappropriate contact with Officer A. The Panel noted that a replication of WhatsApp messages from the morning after the night in question discussed the behaviour of several individuals present but made no reference to an incident involving inappropriate touching or challenge, albeit it did reference PC Krzemien's behaviour in relation to an argument which occurred with another officer. Based on the above the Panel do not find this allegation to be proven to the required standard.

The above conduct breached the Standards of Professional Behaviour relating to Authority, Respect and Courtesy, and Discreditable Conduct and amounts to gross misconduct

The Panel do not find a breach of these standards.

FINDINGS ON MISCONDUCT/GROSS MISCONDUCT

The Panel then moved to assess the seriousness of the aspects of the allegations which have been found to be proved.

Allegation One (gun incident)

Culpability

The Panel do not believe that PC Krzemien's behaviour was intentional, deliberate, targeted or planned but was rather the result of inexperience and a failure to ask for the support and advice that was needed. Whilst the officer did not appreciate the risks in this incident at the time, he has demonstrated that he reflected and now both understands the potential risks and consequences. There was no demonstration of preparation and pre-planning. Although young in service, PC Krzemien holds a position of trust as a police officer. The panel found that should his actions become known there would be the potential to damage public confidence in the police service to a limited extent and this was reasonably foreseeable.

As a Panel we find the level of culpability to be LOW/MEDIUM.

Harm

PC Krzemien's actions could have generated a situation where he, another officer or a member of the public was put at risk and whilst he believed correctly, that he had not created a dangerous situation, he simply didn't have the capability to be able to make that decision. In fact, however, there was no actual harm caused because none of the three firearms in the premises were firearms able to discharge bullets. They were constructed to fire ball bearings. However, harm does not need to be suffered by a defined individual or group to undermine public confidence.

The Panel have taken into account, also the fact that an act of an officer can serve to harm public confidence and occasion reputational harm if the circumstances were known to the public.

As a Panel we find the level of harm is MEDIUM.

Aggravating factors

There was a deviation from instructions, policy, and training and PC Krzemien did not take the opportunity to request clarification or support.

The Panel did not find any other relevant aggravating factors.

As a Panel we find the level of aggravation in this case to be LOW.

Mitigating factors

In respect of this allegation PC Krzemien readily accepted at all opportunities that he has not handled the situation correctly. It was a single episode of behaviour. The Panel noted that PC Krzemien was a very young in-service officer who had only recently completed his training and had limited exposure to similar situations and was at the time of the incident in the company of another very young in-service officer. The remedial action was taken the next morning.

The Panel were presented with evidence from an expert [redacted] could be a contributing factor.

[redacted]

As a Panel we find the level of mitigation in this case to be HIGH.

Misconduct is defined in the Police (Conduct) Regs 2020 as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct means a breach of the standards that is so serious as to justify dismissal.

Having considered all the factors above the Panel finds that this is a case where a finding of is **MISCONDUCT** is warranted.

Allegation Two (G1 incident)

Culpability

The Panel do not believe that PC Krzemien's behaviour in respect of this allegation was intentional, deliberate, targeted or planned. There was no demonstration of preparation and pre-planning. Although young in service, PC Krzemien holds a position of trust as a police officer and has responsibilities in terms of his responsiveness, which were not demonstrated in this instance.

As a Panel we find the level of culpability to be LOW/MEDIUM.

Harm

PC Krzemien's actions could have generated a situation where there was a delay in getting promptly to a member of the public who needed help, although in fact the call was downgraded at an early stage. Harm does not need to be suffered by a defined individual or group to undermine public confidence. The Panel have taken into account also the fact that an act of an officer can serve to harm public confidence and occasion reputational harm if the circumstances were known to the public, in particular in cases of this nature.

As a Panel we find the level of harm is MEDIUM.

Aggravating factors

There was a deviation from instructions, policy, and training and PC Krzemien did not immediately comply with the instructions given by his sergeant and had to be instructed to attend the call.

The Panel did not find any other relevant aggravating factors.

As a Panel we find the level of aggravation in this case to be LOW.

Mitigating factors

It was a single episode of behaviour. The Panel noted that PC Krzemien was a very young in-service officer who had only recently completed his training. The refusal to attend was temporary in nature.

The Panel were presented with evidence from an expert [redacted]

[redacted]

As a Panel we find the level of mitigation in this case to be HIGH.

Misconduct is defined in the Police (Conduct) Regs 2020 as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct means a breach of the standards that is so serious as to justify dismissal.

Having considered all the factors above the Panel finds that this is a case where although there are breaches of standards we do not find these serious enough to amount to a finding of gross misconduct or misconduct but rather a matter which should be dealt with via the unsatisfactory performance regime..

Taken together the Panel finds that the behaviour in question, with regard to allegations one and two amounts to **MISCONDUCT**.

Outcome

As explained above, the level of culpability in this case was found to be low/medium, the level of harm to be medium, the level of aggravation to be low and the level of mitigation to be high.

As a Panel we found that the behaviour in question in this case amounts to misconduct.

In reaching a decision on sanction we have been very conscious throughout of the purpose of the police misconduct regime which is threefold.

- to 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

the Panel acknowledged that their role is to choose the outcome that most appropriately fulfils the purpose of the police misconduct regime

The Panel firstly considered whether a written warning would be appropriate.

Having reviewed our assessment of seriousness The Panel acknowledged that PC Krzemien is a young-in-service and inexperienced officer who has reflected on his actions and on how he could respond differently in future. The Panel considered it important that remedial action was taken the following day. There was very little by way of aggravating factors. The Panel also acknowledge the report [redacted] as a contributing factor to his behaviour.

The Panel note from the officer's antecedents that there is currently no written warning in force or previous disciplinary history.

The Panel believes that the purposes of the regime can be achieved via a written warning and a final written warning is unnecessary and would be an excessively punitive outcome for the officer.

As per the Regulations the written warning will be in force for a period of 18 months.

Therefore, the sanction in this case shall be one of a written warning.

DATED:

SIGNED:

CHAIR –

IPM –

IPM -