

IN THE MATTER OF

CASE REF: CM/44/24

THE POLICE (CONDUCT) REGULATIONS 2020

B E T W E E N:

THE CHIEF CONSTABLE
OF GLOUCESTERSHIRE
CONSTABULARY

Appropriate Authority

-and-

PC 251772 JOHN
O'NEILL

Officer

**REGULATION 43
DECISION**

Introduction:

1. The Panel sat on June 30th and July 1st 2026 at Gloucestershire Police Headquarters.
2. The Panel was chaired by Mr. Richard Saunders, sitting with Mr Muhammad Hussain and Mr Andrew Erving (Independent Panel members). Mr Peter Cadman was the Legally Qualified Person.
3. Ms Jenny Osborne, counsel, represented the Appropriate Authority (AA).
4. The Officer was represented by Inspector Tom Ford of the Police Federation.

Task of the Panel:

5. The Panel approached its task by:

- a) First deciding the facts;
 - b) Second determining if any professional standards had been breached, and if so;
 - c) Third deciding at what level we assessed the seriousness of those breaches.
6. The Panel considered all the evidence contained within the bundle of evidence and the points raised in submissions.
7. The Panel applied the following principles:
- a) The burden of proving any allegation rests with the Appropriate Authority.
 - b) The Officer does not have to prove anything, let alone his innocence from misconduct.
8. The standard of proof in establishing any fact is the balance of probabilities.
9. The Panel do not have to decide every matter in dispute; only those which assist it in making a decision as to whether or not a particular allegation is proved.
10. The Panel can draw inferences from the evidence adduced before it, meaning the Panel can reach common sense conclusions arising from that evidence, but the Panel must not cross into speculation. Any conclusions reached must be reached fairly.
11. The Panel must not find that the conduct of the Officer amounts to gross misconduct unless:
- a) It is satisfied on the balance of probabilities this is the case, or
 - b) The Officer admits it is the case.
12. The Officer faced the following allegations:

REFERRAL TO MISCONDUCT HEARING

NOTICE under Regulation 30 of the Police (Conduct) Regulations 2020 (as amended)

Rank	Number	Name	Area/Department
Constable	251772	John O'Neill	N/A
This is to notify you that the investigation into the alleged breaches of the Standards of Professional Behaviour made against you has been completed and a determination has been made that there is a case for you to answer in respect of gross misconduct, and the allegations have been referred to a misconduct hearing.			
Details of the conduct that is alleged may have breached the Standards of Professional Behaviour are set out below: It is alleged that PC John O'Neill breached the following Standards of Professional Behaviour as set out in Schedule 2 of the Police (Conduct) Regulations 2020: (a) Discreditable Conduct It is contended that, if proven, the conduct below breaches the above Standards of Professional Behaviour. <u>Allegation 1</u> Between 1st May 2024 and 11th June 2024 PC John O'Neill acted in a manner likely to bring discredit upon the police service, in that he: (a) Dragged Witness A from his vehicle and placed him "up against" the side of his van; (b) Placed his left hand on the side of Witness A's neck, causing him to be unable to breathe; (c) Hit Witness A on at least one occasion with his right open palm to the cheek; (d) Punched Witness A with a closed fist. The above matters, if proved, amount to gross misconduct, in that, if proved, they are so serious as to justify dismissal.			

Pre-hearing:

13. At a pre-hearing hearing on April 16th 2026 the Chair gave directions including:

- (a) Witness A and Julie O'Neil to give evidence on behalf of the AA and Matthew O'Neill to give evidence on behalf of the Officer.
- (b) The hearing to be in public.
- (c) Witness A to be anonymised (being a juvenile).
- (d) Witness A's ABE be admitted into evidence as his evidence in chief and that he be cross-examined prior to the hearing and the recording of that be admitted into evidence.

14. The Officer had filed a detailed Regulation 31 response.

15. The Panel proceeded on the basis of the Regulation 31 response, namely a denial of the four alleged facts.

16. At the commencement of the hearing the Officer confirmed that his denial of the allegations as stated in his interview and his Regulation 31 Notice remained the same.

Preliminary Issues:

17. Both advocates confirmed that there were no preliminary issues outstanding. No health issues were raised by the Officer about his health at the time of the alleged

events or at the time of the hearing that would necessitate any adjustments in the hearing.

Evidence:

18. All evidence was considered by the Panel namely
 - a) All the written witness statements and documents in the hearing bundle.
 - b) All the oral evidence heard and the video evidence of Witness A.
19. The Panel was helped in identifying the contested issues by the Regulation 31 Notice and the AA's Opening Note.
20. The below paragraphs are a summary of the evidence heard and not a complete record. All evidence heard was considered by the Panel, as were all the written witness statements and documents in the hearing bundle.
21. Witness A.

Prior to the hearing, the Panel had viewed Witness A's ABE interview and the video recording of his cross examination. Witness A also attended the hearing remotely and answered some further questions.

He admitted that he had threatened Matthew O'Neill with a knife on May 21st 2024. He gave his recollections of what happened later after the Officer had been called to attend by the police. He stated that the Officer had driven him to a lay-by where the Officer dragged him from the van, strangled him for about 10 seconds, slapped and punched him in the face with a closed fist.
22. Julie Corrigan (formerly O'Neill).

She gave evidence to the Panel. She confirmed that she was not present at the time of the alleged incidents. She was aware that on May 21st 2024 Witness A

had threatened her son Matthew with a knife. When the police came, they preferred that Witness A not remain at home with Matthew. Although she did not speak to the Officer, she was aware that Witness A had left in the Officer's van. For a period of time, she tried to track where Witness A was but it appeared that the 360-degree APP on his phone was switched off. Witness A went to school the next day and returned home at about 6pm.

On his return she confronted him about the knife incident and he seemed very upset and said the Officer had hit him. Witness A gave his account of events to Julie Corrigan and that account has remained the same. Witness A said he did not want anything reported and she did not report.

There were no injuries on Witness A at that time nor was there any subsequent bruising.

She had had no previous safeguarding concerns about the Officer and she continued to have no safeguarding concerns about him after hearing what Witness A had told her. She allowed Witness A to go and stay with the Officer that weekend and the following weekend. The Officer also took Witness A to a dental appointment. A few weeks later she was called to school because of Witnesses A's behaviour. He had also been given a detention but didn't go. During that meeting at school, in answer to a question from the school about whether there were any issues at home, she told what Witness A had said about the Officer.

23. Matthew O'Neil.

He confirmed that Witness A had threatened him with a knife after he had refused to give Witness A the shoes he was wearing. After the threat with the knife, he had handed over his shoes to Witness A. He then rang the Officer

telling him what had just happened and was told by him to ring the police and to ring his mother. When the police arrived, Witness A went off with the Officer. He stayed at home with his friend and his mother stayed with her partner. The next day after school, he was not present when Witness A made allegations against the Officer. When he came down from his room, his mother told him what Witness A had told her with Witness A present. He did not believe Witness A and he saw no injuries or marks at all on Witness A.

24. The Officer

He gave evidence about his relationship with the rest of the family. He confirmed the challenging behaviour of Witness A including criminal damage, theft and truancy. He and his wife had separated some years before and he accepted that this caused problems.

On May 21st 2024, he received a call from Matthew and was told about the knife incident. He told Matthew to call the police and to call his mother. He then received a phone call from the police officers who had arrived. He thought that Witness A might be arrested but he was not. The police officers asked the Officer to attend and take Witness A away from the house which he did.

He drove round for a while as his partner was not happy that Witness A would go to their house after a knife incident and asked the Officer not to bring Witness A round until she had gone to bed. There was a journey of about 20 minutes in silence. He then stopped at a layby and told Witness A to get out, words were exchanged but there was no physical violence, and he specifically denied all four of the allegations against him.

25. The panel noted that all witnesses who gave evidence were visibly upset during the course of their testimony.

Decision on Facts and Allegation:

26. The Panel approached its task by:

- a. First deciding the facts;
- b. Second determining if any professional standards had been breached, and if so;
- c. Third deciding at what level we assessed the seriousness of those breaches.

27. The Panel considered all the evidence contained within the bundle and the points raised in submissions.

28. The Panel applied the following principles:

- a. The burden of proving any allegation rests with the Appropriate Authority.
The Officer does not have to prove anything, let alone his innocence from Misconduct.
- b. The standard of proof in establishing any fact is the balance of probabilities.
- c. The Panel does not have to decide every matter in dispute; only those which assist it in making a decision as to whether or not a particular allegation is proved.

29. The Panel is required to consider and where possible determine factual matters not specifically alleged within the Regulation 17 notices, but which are nonetheless relevant to an allegation.

30. The Panel can draw inferences from the evidence adduced before it, meaning it can reach common sense conclusions arising from that evidence, but must not cross into speculation. Any conclusions reached must be reached fairly.
31. The Panel must not find that the conduct of the Officer amounts to gross misconduct unless:
- (i) The Panel is satisfied on the balance of probabilities that this is the case, or
 - (ii) The Officer admits it is the case.

Factual Determinations:

32. The Panel gave detailed considered to all the oral, written and video evidence. The case involves two contradictory accounts of what took place in a layby on May 21st 2024.
33. The Panel considered that the account given by Witness A was reasonably consistent throughout the process and he had confirmed the assertions of fact as set out in the Regulation 30.
34. The Panel considered that the account given by the Officer John O'Neill was also reasonably consistent throughout the process. He denied the assertions of fact in his interview, his Regulation 31 response and in his evidence.
35. The Panel therefore looked at other evidence presented that could help it reach conclusions about the alleged facts.
36. That other evidence included the evidence presented by:
- 1) Julie Corrigan (formally O'Neill) who confirmed
 - a. She had no previous safeguarding concerns in connection with the Officer

- b. She had no concerns of repetition even after Witness A had made the disclosure to her
- c. She had no concerns regarding Witness A returning to the Officer the following weekend and the weekend after, nor attending the dental appointment.
- d. She also confirmed that there were no injuries to Witness A and there was no subsequent bruising.

2) Matthew O'Neill who confirmed

- a. That there were no injuries
- b. That he did not believe Witness A's account when he was told of it on May 22nd nor did he believe it now.

3) The Panel also noted the absence of any injury as confirmed by Julie Corrigan and Matthew. Further, no issues were raised by the school on May 22nd 2024 nor at the dental appointment. This is despite Witness A's account of events which included strangulation for a period of 10 seconds, being slapped and punched to the face with a closed fist. The panel found it implausible that an assault of the specific nature alleged would result in a complete absence of injury.

37. The Panel reminded itself that the burden of proof fell on the AA and the Panel carefully and thoroughly reviewed all the evidence before it. It was not persuaded that the four factual allegations were proved on the balance of probabilities. The Panel found that it was more likely than not that the factual allegations did not occur .

Decision on Allegations

The Panel therefore concluded that on the balance of probabilities the four factual allegations set out in the Regulation 30 were not proven.

This concludes the determination.