



memorandum

From: Chief Constable Richard Cooper

To: Former PC James Graysmark

Our Ref:

Date: 24 April 2026

FINDINGS and OUTCOME FORM

ACCELERATED MISCONDUCT HEARING – former PC James Graysmark

21 April 2026: Hindlip Hall, Hindlip Headquarters

In accordance with Regulation 63 of the Police (Conduct) Regulations 2020 (as amended), below listed are the findings in the above case. This document must be supplied to the former officer before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.

Hearing members:

Chair: Chief Constable Richard Cooper

Details of the conduct alleged to have breached the Standards of Professional behaviour:

On 20th August 2024 you have had a photo taken of yourself whilst on duty in full Police uniform with your trousers pulled down around your ankles. The photo also shows you holding a Female Police issue hat to cover your genital area. This photo was taken in the Warndon office.

The breaches of the Standards of Professional behaviour alleged are as follows:

Authority, Respect and Courtesy

Officers will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Discreditable conduct

Officers will behave in a manner, whether on or off duty, which does not bring the discredit on the police service or undermine public confidence in policing.

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In accordance with Regulation 61, in conducting the accelerated misconduct hearing I have reviewed the facts of the case and decided on the balance of probabilities whether the conduct of the former officer amounts to gross misconduct.

Findings:

I have reviewed the evidence in this case, including all the material provided to me, and sought to ascertain the facts.

The former officer acknowledged the indisputable fact that he is the person in the photograph. He is in police uniform with his trousers lowered round his ankles. He is looking directly towards the camera and is holding a female officer's hat over his groin area. His submission primarily centres on his intentions at the time the photograph was taken. He contends that it was a misplaced joke with no malice intended but accepts that it was deeply misjudged.

There is an absence of evidence available to corroborate or undermine this. The PCSO who is also present in the photo has stated that he did not know the former officer had dropped his trousers. Both the PCSO and the former officer have stated that they cannot remember the identity of the person who took the photograph. This is not credible. This is a career-defining incident that happened less than two years ago, and the former officer was part of a comparatively small team. There is, however, no evidence that the intention of the former officer was to cause distress to any other person, even though it is obvious that this may have been the result.

In light of the facts of the photograph being self-evident, I am satisfied that the standards of professional behaviour were breached as described by the Appropriate Authority. The officer has failed to treat his colleague with respect and courtesy and has brought discredit on himself and the police service.

Disciplinary action to be imposed:

I have considered the 2023 College of Policing Guidance on Outcomes in Police Misconduct Proceedings and the Home Office Guidance concerning Conduct, Efficiency and Effectiveness. I have also considered the Conduct Regulations themselves.

I have adopted the three-stage process to assist my decision making. The first of those three stages is assessing the seriousness of the proven conduct with reference to culpability, the harm caused and any aggravating and mitigating factors.

Former PC Graysmark is wholly culpable for his actions. The conduct was not fleeting, in that it required 'setting up'. I accept the Appropriate Authority's submission that it required a series of deviations from the standards of professional behaviour. He lowered his trousers within a police station office, he took a female colleague's hat and placed it over his groin, and he posed smilingly for a photograph. The former officer is a mature man with many years of public service, and he could reasonably have foreseen the risk of harm.

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The College of Policing guidance provides a non-exhaustive list of types of conduct that should be considered especially serious. I believe this case does involve one of those, namely sexual impropriety. Paragraph 4.41 states that this *“includes cases involving bullying or harassment, either in the police service or towards members of the public.”* The act that former officer Graysmark has engaged in does amount to one of sexual harassment. He has dropped his trousers and placed a female officer's hat over his genitals. Even if meant in jest, I consider this to be conduct of a sexual nature. The West Mercia Police sexual harassment policy defines conduct as sexual harassment if it creates an intimidating, hostile, degrading, humiliating, or offensive environment for another, whether intended or not. I believe that definition is met.

The conduct does however amount to a single episode and there is no evidence of persistence on the part of the former officer, that his behaviour is driven by malice or misogyny, or that any abuse of position is involved. Overall, though, his culpability is high.

In respect of harm, the former officer submits mitigation that the photo was taken out of public view and that there is no means by which it may have been seen by the public. That may be the case, but I am cognisant of paragraph 4.69 of the guidance:

“How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time.”

There is a means by which his conduct undermines public confidence, which is through its foreseeable revelation if it caused the officer distress. The behaviour is inane, immature, and stupid. It is wholly unprofessional. There is room in the workplace for humour, but the nature of policing is such that the actions of officers and staff can have a profound effect on public confidence. Police officers are charged with helping people in difficult, sensitive, and tragic circumstances. Those who need to seek help from the police about a matter of acute sensitivity may well be less confident to do so if their perception of police officers' professionalism is that presented by PC Graysmark. It is foreseeable that women's confidence would be specifically undermined.

Although the officer whose phone was used saw the photo soon after it was taken, a year passed before it was reported. That officer does not provide evidence of the impact that it had on her. She cites poor behaviour in the office at that time contributing to her not appreciating the severity of the behaviour shown in the image. That other poor behaviour was not presented as evidence in this hearing and there is nothing within the material describing former officer Graysmark as being part of it.

No evidence is presented by the AA to support this being part of targeted campaign against the officer on whose phone the photograph was taken. Former officer Graysmark is adamant during his interview that the intention of the photograph in his mind was as a joke, with no sexual undertones. He acknowledges that he knew the identity of the officer whose hat he was holding. If the photograph had been shared with any other party this may have been indicative of an intent to humiliate or ridicule his colleague. There is no evidence that any sharing took place.

Former officer Graysmark maintained in his interview and his Regulation 54 response that he apologised to the other officer and he relays some of the conversation that followed. There is no evidence presented to indicate this did not happen as described by him. His early apology is a mitigating factor.

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The former officer contends that he dropped his trousers but not his underpants. On the balance of probabilities, having examined the photograph, I accept this. The officer placed his colleague's hat over his underpants. The harm caused would have been greater otherwise.

Aggravating factors are not present. I do not consider on the evidence presented that the conduct was malicious, predatory, violent, dishonest, sustained, aimed at a vulnerable person, or repeated.

I have taken account of mitigating factors that include this being a single episode, the former officer's mental health history, the early admissions of culpability and evidence of him accepting responsibility. I have separately considered the record of the officer by way of personal mitigation.

It is the creation of an intimidating, hostile, degrading, humiliating, or offensive environment for another, whether intended or not associated with this conduct that tips it into gross misconduct. The stupidity of the behaviour will undoubtedly be damaging to public confidence. However given the absence of malice or other aggravating factors and as a one-off event, I find that it is at the lower end of the gross misconduct range. Taking that together with the mitigating elements mentioned, I find that this is a case where the purposes of the misconduct regime can be fulfilled without the presumption of dismissal being engaged.

The Home Office guidance is clear that a final written warning is a significant and meaningful sanction. If the former officer were still serving, I would have imposed a final written warning of three years' duration.

Signed: 

Date: 24 April 2026

Chief Constable Richard Cooper

If you wish to receive a copy of the record of the proceedings, please contact the Professional Standards Department.

You have a right of appeal against the finding. Should you wish to exercise this right you must do so in writing to the Chairman of the Police Appeals Tribunal within ten days of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the panel. You have the right to be legally represented at the appeal hearing.

Form of receipt to be completed by officer subject of proceedings:

I acknowledge receipt of this written notice of the misconduct proceedings, dated2026 of which this is a true copy.

Signed.....

Date.....

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