

**memorandum**

From: Chief Constable Pippa Mills

To: PC 1211 DARBYSHIRE

Our Ref: CM/101/21

Date: 15th August 2023**FINDINGS FORM****SPECIAL CASE HEARING – PC 1211 Michael DARBYSHIRE**
15th August 2023: Hindlip Hall, Hindlip Headquarters

In accordance with Regulation 56 of the Police (Conduct) Regulations 2012, below-listed are the findings and any disciplinary action imposed in the above case. This document must be supplied to you 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 Pippa Mills

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

On 12 May 2023 at Worcester Crown Court you were convicted after trial of:

- *One offence of rape contrary to section 1 of the Sexual Offences Act 2003.*
- *Three offences of assault by penetration contrary to section 2 of the Sexual Offences Act 2003.*
- *Two offences of sexual assault contrary to section 3 of the Sexual Offences Act 2003*
- *And*
- *Sentenced to 14 years imprisonment.*

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

- *Discreditable Conduct in that you have been convicted of serious sexual offences which was widely reported in the media, brings discredit on West Mercia Police and seriously undermines public trust and confidence in it;*
- *Authority, Respect and Courtesy in that you failed treat your victims with respect and courtesy by subjecting them to serious sexual assaults.*

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In accordance with Regulation 53, the person conducting the special case hearing shall review the facts of the case and decide on the balance of probabilities whether the conduct of the officer amounts to misconduct, gross misconduct or neither.

Findings:

The conduct alleged amounts to gross misconduct.

The following is a summary of the finding:

I have read the written response prepared and submitted by your Federation Representative, Sergeant Peter Nightingale and note that the officer admits that his convictions place him in breach of the Standards of Professional Behaviour and that such conduct amounts to gross misconduct. Sergeant Nightingale today has confirmed this.

Disciplinary action to be imposed:

I have considered the Guidance provided by the College of Policing on Outcomes in Police Misconduct Proceedings, 2017, recently updated in 2023. The Guidance sets out - assessing the seriousness of the conduct lies at the heart of the decision on outcome.

I have taken the three-stage approach listed in the Guidance. 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.

The Guidance makes it clear that it is entirely unacceptable for police officers who are responsible for enforcing the law to break it themselves.

The convictions relate to off-duty conduct. I find a high level of culpability here given the facts and circumstances. Both victims said they trusted you because you were a police officer. You abused your position. In relation to one of the victim's, His Honour Judge Burbidge commented: *"she was satisfied that she could safely allow you into her home, even though she did not really know you. Part of the reason for that was because you were a police officer and she undertook to believe that a police officer could be trusted. She checked on you, through a friend that she had in the police force and, thus, she trusted you. You abused that trust -- that is important words -- and you chose a vulnerable woman."*

I have read the Victim Personal Statements from both victims provided in 2021 and their further updated VPS's in 2023. One states: *"Given the accused occupation I assumed that I could trust him enough to be alone with him in my own home, his occupation is one that the public expect to be of trust, protection and integrity"*. The impact of your offending on each victim has been significant in every way; emotionally, physically, financially and professionally. HHJ Burbidge said: *"it is clear they have been adversely affected in a significant way, such that it can be described as severe psychological harm."*

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The nature of the office of constable means that all police officers are in a position of trust and authority in relation to members of the public. You chose to abuse your position and to do so for a sexual purpose is a form of serious corruption. Such conduct can cause substantial damage to public trust and confidence in the police. Additional aggravating features include the fact that you targeted both victims for sexual gratification and you used degrading and derogatory language towards them both.

I note that you joined West Mercia Police in February 1995 having previously served in the Army.

The College of Policing Guidance confirms that the purpose of the police misconduct regime is threefold; namely to maintain public confidence and the reputation of the police service; to uphold high standards in policing and deter misconduct; and thirdly to protect the public.

Policing has come under national scrutiny through high profile case like yours where violence has been perpetrated by those serving in the police. It is imperative that policing makes it clear that offending of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated. Violence against women and girls perpetrated by a police officer, whether on or off duty, will always have a high degree of culpability, with the likely outcome being severe.

The convictions (and particularly the facts and circumstances in this case) have discredited West Mercia Police. This case was reported widely in the press and brought the actions of West Mercia Police officers under adverse public scrutiny. As the College of Policing Guidance states in relation to public confidence, where gross misconduct has been found and the behaviour caused both serious harm to an individual and public confidence in the police service, dismissal is likely to follow.

Given that you are now a serving prisoner having been sentenced to a term of imprisonment of 14 years for a number of serious sexual offences, the only outcome which is consistent with all of these aims in the circumstances is Dismissal without Notice. Additionally, your full name and a description of the conduct leading to the dismissal will be entered on the Police Barred List held by the College of Policing.

I confirm that the above is correctly recorded. I also confirm that the officer's personal record was considered before a decision was reached on any disciplinary action to be imposed.

Signed:

Chief Constable Pippa Mills

Date: 15/08/23

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 Chairperson of the Police Appeals Tribunal

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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, dated 15th August 2023 of which this is a true copy.

Signed.....

Date.....