

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 CONCERNING FORMER PC 2496 SARGEANT – OUTCOME & DECISION

1) Alleged Conduct – as set out in the Regulation 30 Notice: -

It is alleged that former PC Sargeant breached the Standards of Professional Behaviour in that:-

On or about the 10th of November 2022 while in the course of his duties, he made an entry in his police issue Pocket Notebook (PNB) which he knew to be false and which purported to be on behalf of Mr A, a member of the public, who had been the victim of an assault which he had reported to West Mercia Police. That entry falsely stated Mr A did not wish there to be any further police action and was signed in his name when in fact Mr A had made no such statement or signed his PNB and he had signed his name himself.

Standards of Professional Behaviour breached:

Honesty and Integrity: in that he fabricated signed evidence from a member of the public stating they were happy for there to be no further police action following an allegation of assault when he knew this was not true.

Discreditable Conduct: in that the fabrication of evidence from a member of the public brings discredit on the police service and undermines public confidence in it.

Duties and Responsibilities: in that he failed to complete his PNB accurately or update a member of the public about action taken following a report of assault made to the police.

2) Response to the Allegations

DI Williams, the Federation representative confirmed that no instructions had been provided by the former officer, but the Panel note from the Regulation 31 Response that former PC Sargeant denies breaching the Standards of Professional Behaviour and denies that his behaviour amounts to gross misconduct or misconduct.

Therefore, the Appropriate Authority (“AA”) is put to proof on all elements of this case.

The Panel have taken great care to review and considered the entirety of the facts and evidence presented to us.

3) Representation

Throughout the hearing the AA has been represented by Mr Goss of Counsel and former PC Sargeant by Inspector Williams of the Police Federation. The Panel would like to thank both for their assistance in this case.

4) The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020:-

a. Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position.

b. Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

c. Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.

The Panel additionally considered the appropriate paragraphs pertaining to the Standard as set out in the Home Office Guidance and the Code of Ethics.

5) The Panel's Approach

a. The Panel determined it was: -

- Required to consider the facts of the case and to make its findings of fact in relation to the disputed allegations;
- Determine whether those findings of fact found constitute a breach of the relevant standards;
- Determine whether the conduct, if found proven against the officer amounts to misconduct, gross misconduct or neither.

The Panel reminded itself that the burden of proof is on the AA throughout, and that the standard of proof is the balance of probability, namely what is more likely than not.

b. In addition, the Panel are to have proper regard to the Statutory Guidance on Professional Standards, Performance and Integrity in Policing Issued by the Home Office in 2020, known as the "HOG".

c. The 2020 HOG states at paragraph 1.4: The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is

intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.

Later in the HOG the duty of the Panel is summarised thus: The persons conducting misconduct hearings will consider the facts of the case and will decide the facts (on the balance of probabilities) and whether the officer's conduct amounted to misconduct, gross misconduct or neither. Having determined the facts and decided what they amount to, the Panel is then enjoined to decide what to do about them. We therefore proceed in accordance with this basic structure.

d. The aim of misconduct proceedings is not primarily punitive although they can have that effect on the officer concerned. The overriding objective is to set and maintain the highest standards of professional integrity, to ensure public confidence in the Police and for the public to see that these things are done in a fair, open and transparent manner.

e. The Panel in making a decision have taken great care in determining whether the alleged conduct of former PC Sargeant is proven or not, to exercise reasonable judgement and give appropriate careful consideration to the evidence.

f. Purpose of misconduct meeting/hearing

The purpose of a formal misconduct meeting/hearing is to:-

- Give the Police Officer a fair opportunity to make his or her case having considered the investigation report including supporting documents and to put forward any factors the Police Officer wishes to be considered in mitigation (in addition to the submission which must be sent in advance to the person(s) conducting or chairing the meeting/hearing for his, her or their consideration).

- Decide if the conduct of the Police Officer fell below the standards set out in the Standards of Professional Behaviour based on the balance of probabilities and having regard to all of the evidence and circumstances.

6) Evidence

The Panel was referred to a bundle of documentary evidence (83 pages). No witnesses gave evidence during the hearing. In our deliberations, we make it plain that the Panel reviewed and considered the entirety of the facts and evidence presented to us.

7) Background

Former PC Sargeant joined the police service in 2012.

On 7th September 2023, he was served with his regulation 17 notice and thereafter, reported sick for duty. Prior to this, he had been based in the Contact Resolution Centre.

The former officer resigned from the force prior to the hearing and is no longer a serving police officer. The former officer provisions apply.

8) The law

In respect of the allegation of dishonesty, we reminded ourselves of the test for dishonesty which is to be applied is that set out in *Ivey v Genting Casinos (UK) Ltd (trading as Crockfords)* (2017) UKSC67.

This is: a) what was the defendant's actual state of knowledge or belief as to the facts; and b) was his conduct dishonest by the standards of ordinary decent people.

The issue in respect of Integrity or acting without integrity is a separate and distinct concept from dishonesty. The High Court has observed: "A lapse of integrity is very serious but can fall short of the quality of a lapse of honesty. Integrity in this context is not used in the sense of freedom from moral corruption rather in the sense of a failing to act in the right way, not behaving as the totally correct police officer would, in some way falling short of the whole. It is explained for police officers as "doing the right thing" (Chief Constable of Thames Valley Police V (1) Police Misconduct Panel (2) Mark White (2017) EWHC 923 (Admin) para (15)).

9) Proceeding in former PC Sargeant's absence

Mr Goss invited the Panel to proceed with the hearing in the absence of former PC Sargeant. In determining whether to adjourn the hearing or proceed in the absence of the former officer, the Panel had regard to the purpose of police misconduct hearings, the overall interests of justice and fairness to both the former officer and the AA.

Regulation 37(3)(b) provides authority for the proposition that the proceedings may be proceeded with and concluded in the absence of the former officer. The Panel considered whether he had expressly or impliedly evidenced an intention not to take part in the proceedings and that any decision to proceed in the absence of the former officer should be made with the upmost care and caution.

The Panel determined that former PC Sargeant was unable to attend the hearing

[REDACTED]

[REDACTED]

The Panel noted that former PC Sargeant was represented and that the AA was being put to strict proof in respect of all aspects of the allegations. The allegations against the former officer are serious and there was some disadvantage to him in not being able to give his oral account to the Panel, but this was limited as he had provided detailed written responses to the allegations against him.

The Panel were also of the opinion that any limited disadvantage to him in not being able to give oral evidence was outweighed by the strong public interest in the expeditious

conclusion of cases of this nature and the impact of further delay on the wellbeing of former PC Sargeant.

The Panel therefore concluded that it was both fair and in the interests of justice to proceed with the hearing in the absence of the former officer.

[REDACTED]

11) Findings of the Panel

Our findings are as follows: -

a. The Panel was required to determine whether the officer falsified the entry in his PNB, which purported to be on behalf of a member of the public (MR A), who had been the victim of an assault which he had reported to West Mercia Police.

The second issue is whether the former officer then falsified the signature of the complainant.

b. On the 7th November 2022, Mr A alleges that he was assaulted in the course of directing traffic in a car park by a male he did not know. Mr A later reported the matter to police, partly in the hope that analysis of CCTV might enable police to trace the vehicle registration of the driver and speak to him about the incident.

A diary appointment with a police officer was arranged. Mr A wanted the perpetrator to be spoken to about the alleged assault, but did not intend to pursue criminal proceedings.

Former PC Sargeant met with Mr A on the 9th November 2022 and subsequently uploaded his PNB which was signed to say that the Mr A was not making a complaint, and that he was happy that no police action be taken but that information only recorded.

Mr A states that he actually said that he wanted the suspect to be spoken to about the alleged assault, but did not intend to pursue criminal proceedings.

In March 2023, Mr A complained that he had not heard anything further regarding the assault. As a result, Inspector Greenaway-Evans was emailed about the matter. She

contacted former PC Sargeant who updated her to explain that he had completed the diary appointment, that Mr A had not wanted to make a complaint, and that Mr A had signed his PNB to confirm this. He stated that he had fully updated him and explained that no further action would be taken on the matter.

Former PC Sargeant updated Insp Greenaway-Evans that he had then provided the suspect with words of advice (5 months on from the incident). Words of advice had not been mentioned in any of the former officer's records previously. The former officer stated that was his error and apologised.

Mr A did not hear back from former PC Sargeant until 12th April 2023, when he received a text message from him, which the Panel have had sight of. The content of the text message refers to former PC Sargeant apologising for not giving the suspect the words of advice that had been agreed with Mr A at their meeting in November.

Insp Greenaway-Evans visited Mr A on 28th April 2023 and obtained a statement from him and showed him the entry in the former officer's PNB. Mr A said that the signature in former PC Sargeant's PNB was not his. He provided his driving licence to demonstrate how his signature appeared.

Mr A stated that he was very unhappy that his signature has been forged to confirm that he did not want to take the matter further when his understanding was that former PC Sargeant would be making further contact with him to ask him to sign a formal statement a couple of weeks after the initial meeting.

12) Decision on the Alleged Facts

i. The Panel reminded itself of the burden and standard of proof.

On the totality of the evidence, the Panel are satisfied on the balance of probabilities that former PC Sargeant falsified the entry in his PNB, which purported to be on behalf of a member of the public, who had been the victim of an assault. As such, we find this part of the allegation proved to the requisite standard.

The Panel prefer the account of Mr A to that of former PC Sargeant and are satisfied that Mr A provided a credible account within his witness statement. We accept his evidence in full and do not doubt his credibility or reliability as a witness. There was no positive challenge to his account.

We reject any suggestion by former PC Sargeant that this was an error on his behalf, as he asserted in his text message to Mr A.

The PNB entry falsely stated that Mr A did not wish there to be any further police action. The language used by former PC Sargeant in his PNB was incontrovertible in shutting down any further work on his part.

In his statement, Mr A is clear that he met former PC Sargeant at the police station on the 9th November 2022, who took some details and recorded them in his PNB and retained a copy of Mr A's notes. Mr A states that, from the outset, he expressed the wish that no formal action be taken but that the suspect be spoken to, in order to acknowledge the assault.

The Panel note that he had initially approached the police following the assault and was prepared to make a statement. He was advised by former PC Sargeant that he would prepare the statement and bring it to him to consider and sign in approximately two weeks' time.

It was Mr A who complained when he did not hear anything from former PC Sargeant some 5 to 6 months after their initial contact, so was clearly expecting the agreed actions to have been completed. The issue was subsequently raised at a public meeting. The Panel are satisfied that Mr A would not have made a complaint of assault to the police and have been so proactive in expressing his disappointment at the lack of service if he had not wanted any action to be taken.

Former PC Sargeant disregarded the expectations of Mr A and his duties and responsibilities as a serving police officer.

ii. On the totality of the evidence, the Panel are satisfied on the balance of probabilities that former PC Sargeant falsified the signature of Mr A in his PNB. As such, we find this part of the allegation proved to the requisite standard.

The Panel accept the evidence of Mr A in this respect, that it was not his signature in the PNB. In doing so, we reject any suggestion that it was Mr A who signed the PNB. The Panel found Mr A's account in his witness statement to be credible and reliable. He produced his driving licence to illustrate the appearance of his genuine signature. There would have been no grounds for his dissatisfaction and complaint if the account in the PNB had been accurate, if he had genuinely signed it and former PC Sargeant had delivered the warning as agreed.

The Panel find on the balance of probabilities that the forging of Mr A's signature in former PC Sargeant's PNB must have been made with intent to deceive and mislead. Forging a person's signature is serious in any circumstances and, in this case, was done by a serving police officer, to secure a favourable outcome for himself (i.e. no additional work) to the detriment of a Mr A, whom he was supposed to provide a service to.

Decision on the Alleged Facts

The Panel have considered the test for dishonesty as set out in (Ivey v Genting Casinos (UK) Ltd (trading as Crockfords) (2017) UKSC67).

a. We have given thought to PC Sargeant's actual state of knowledge or belief as to the facts when he made a false entry in his PNB and forged Mr A's signature. He had spoken directly with Mr A and made contemporaneous notes. Mr A had also provided a copy of his own

notes about the incident. The former officer's text message to Mr A on the 12th April 2023 makes it clear that former PC Sargeant knew what had been discussed and agreed with Mr A as he apologises for not warning the suspect about his actions after they had met in November. The officer refers to this being his mistake and "completing the wishes" of Mr A.

The Panel are satisfied on the balance of probabilities that this was not an officer making a mistake but rather a deliberate attempt to avoid his duty to Mr A. Forging Mr A's signature implies that former PC Sargeant was aware that he had no permission to use it as he did. The forging of the complainant's signature must, on the burden of proof, have been with intent to deceive, otherwise former PC Sargeant would have reverted back to the complainant as agreed, with a statement and ready to then deliver the words of advice requested.

b. The Panel have considered whether former PC Sargeant's conduct was dishonest by the standards of ordinary decent people. We are satisfied that his conduct would be regarded as dishonest by the standards of ordinary decent people. The generally accepted moral standards of the community would be that a person in a position of some power, as former PC Sargeant was, who failed to take an accurate account from Mr A and then forged his signature, was acting dishonestly.

c. The Panel are also satisfied that PC Sargeant lacked integrity. His conduct fell below the required standard of trustworthiness, and he failed to act in the right way, departing from the Code of Ethics by knowingly making a false written statement in the course of his professional duties.

As such, the Panel find the allegation proven to the requisite standard in all aspects.

13) Decision on the Standard relating to Honesty and Integrity

a. According to this standard, police officers must act with honesty and integrity at all times, without compromising or abusing their position.

The Panel have found that former PC Sargeant made a false entry in his PNB and forged Mr A's signature at the bottom of this account.

We are satisfied on the balance of probabilities that the reason this officer made the false entry was with dishonest intent and to avoid carrying out his duties. He failed to be open and truthful in his dealings with Mr A and abused his position. The email of the 3rd of April 2023 sent by former PC Sargeant to Inspector Greenaway-Evans refers to Mr A reading and signing the PNB, which was not truthful and supports the Panels finding in respect of Honesty and Integrity.

The Panel find a breach of this Standard.

b. Decision on the Standard relating to Discreditable Conduct

This says amongst other points that a police officer should avoid any behaviour which could discredit the police service or undermine public confidence in it, whether on or off duty.

The Panel are satisfied that former PC Sargeant's conduct did cause Mr A to lose some confidence in the police service as his experience was so poor and he was understandably unhappy that his signature had been forged.

The officer's behaviour also has the potential to undermine public confidence generally, as the public would expect officers to carry out their role and responsibilities in an efficient, diligent and professional manner. The Panel find a breach of this Standard.

c. Decision on the Standard relating to Duties and Responsibilities

Former PC Sargeant created a false account in his PNB in order that it would be considered genuine. He also failed to update Mr A following his complaint of assault, demonstrating a lack of diligence. Of course, former PC Sargeant had failed to deliver the words of advice that had been agreed. The Panel find a breach of this Standard.

14) Decision as to Misconduct or Gross Misconduct

a. Having found breaches of the Standards in relation to Discreditable Conduct, Honesty and Integrity and Duties and Responsibilities the Panel have carefully considered whether the behaviour amounts to misconduct or gross misconduct. We again reminded ourselves of the full circumstances of this case. The Panel reminded itself of the need to protect public confidence in and the reputation of the police.

"Misconduct" is by definition a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action and "gross misconduct" is a breach of the Standards that is so serious as to justify dismissal.

b. The Panel are entirely satisfied that former PC Sargeant's behaviour amounts to Gross Misconduct. In the Panel's view, the breaches are so serious as to justify dismissal, although a final decision on sanction will be considered as a separate exercise.

c. For the avoidance of doubt, the following factors are present: -

--Honesty and integrity are fundamental requirements for any police officer. In the words of Lord Justice Maurice Kay in *Salter v Chief Constable of Dorset police officers*:

"...carry out vital public functions in which it is imperative that the public have confidence in them. It is also obvious that the operational dishonesty or impropriety of a single officer tarnishes the reputation of his Force and undermines public confidence in it"

In the same case Mr Justice Burnett confirmed that: "The reasons which underpin the strict approach applied to solicitors and barristers apply with equal force to police officers.

Honesty and integrity in the conduct of police officers in any investigation are fundamental to the proper workings of the criminal justice system. [...] The public should be able unquestioningly to accept the honesty and integrity of a police officer. The damage done by a lack of integrity in connection with the investigation of an alleged offence may be

enormous. The guilty may go free. The innocent may be convicted. Large sums of public money may be wasted. Public confidence in the integrity of the criminal justice system may be undermined. The conduct of a few may have a corrosive effect upon the reputation of the police service in general”.

He concluded: “...the correct approach for a decision maker is to recognise that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonesty. That terminology itself recognises that there may be exceptions. In concluding that the case is exceptional, the decision maker must identify the features of the circumstances of the misconduct which support a different conclusion, recognising that the number of such cases would be very small. The decision maker would take account of personal mitigation but must recognise its limited impact in this area.”

Forging a signature by a police officer has the potential to significantly erode public trust in policing. The fabrication of evidence and the forging of a signature is a derogation of duty and a neglect of the former officer’s responsibility as a constable.

-The Panel have considered the risk of wider reputational harm to the police service. The Panel are satisfied that former PC Sargeant’s actions have the potential to damage public confidence in the legitimacy of policing to a greater extent.

-The Panel considered the impact of former PC Sargeant’s behaviour on Mr A. Former PC Sargeant failed to treat him with fairness and respect by ignoring his wishes as a complainant and forging his signature.

15) In conclusion, the Panel are satisfied that the breaches of the Standards in relation to Honesty and Integrity, Discreditable Conduct and Duties and Responsibilities individually and/or collectively amount to Gross Misconduct.

16) The Panel must now determine the outcome.

The former officer provisions apply. The potential outcomes are provided in Regulation 42, as modified by para 32 of sch 1.

Paragraph 20.66 of the Home Office Guidance 2020 states:

-where there is a finding of gross misconduct, the panel can only consider two potential outcomes: disciplinary action or no disciplinary action.

- where there is a finding of gross misconduct and disciplinary action imposed it can only be that the former officer would have been dismissed if they had still been a member of a police force. If the panel determines that the matter does not justify the sanction that the former officer would have been dismissed, no action will be taken, and the finding of gross misconduct recorded.

Before a panel decides on the appropriate outcome, it must follow the same process that applies to serving police officers in arriving at what the appropriate sanction would have been.

17) In assessing the seriousness of this case, we are required by common law (as usefully summarised in the College of Policing Guidance on Outcomes in Misconduct Proceedings) to keep at the forefront of our minds the purpose and objective of these proceedings, which is to maintain public confidence in and the reputation of the Police, uphold high standards and deter misconduct and to protect the public.

We appreciate that the objective is not to punish the officer (although it may have that effect) and that we should therefore do no more (although also no less) than that which is necessary to satisfy the key objectives of the proceedings. We must (and we have) considered the seriousness of the misconduct, the purpose of sanctions and chosen an outcome which most appropriately meets that purpose. Assessing the seriousness is to be approached in terms of the four factors set out in the Fuglers decision which we have carefully considered and will come onto in some detail in a moment.

18) The Panel have therefore followed the structured approach as set out in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings.

a. In summary, the Panel:-

-Assessed the seriousness of the conduct and the behaviour of the officer by reference to 4 factors ((i)the officer's culpability for the misconduct; (ii) the harm caused by the misconduct; (iii) the existence of any aggravating factors; and (iv) the existence of any mitigating factors)

-Reminded itself of the purpose of imposing sanctions, namely:

Maintaining public confidence in and the reputation of the police service;
Upholding high standards in policing and deterring misconduct and protecting the public.

-Arrived at an outcome which most appropriately fulfils the purpose of imposing sanctions in the light of the seriousness of the officer's conduct (that is, to act proportionately).

b. The Panel heard representations from Counsel for the AA and from Inspector Williams on behalf of former PC Sargeant before the question of outcome was considered. We clearly had these in mind when we proceeded to consider Outcome.

19) Culpability

a. Para 4.9 -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.

b. The Panel consider that former PC Sargeant's conduct was deliberate and intentional, therefore more culpable than conduct that has unintended consequences.

He deliberately entered false information into his PNB and then forged Mr A's signature on the bottom of the false account, thus increasing his culpability.

c. Certain types of misconduct should be considered especially serious:

- Operational dishonesty, impropriety or corruption

Para 4.26 -Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously. In the words of Lord Justice Maurice Kay in *Salter v Chief Constable of Dorset*, police officers: '[...] carry out vital public functions in which it is imperative that the public have confidence in them. It is also obvious that the operational dishonesty or impropriety of a single officer tarnishes the reputation of his Force and undermines public confidence in it.'

Para 4.28- Impropriety involving corruption, deliberately misleading or compromising an investigation, or wilfully failing to give proper disclosure in a criminal prosecution is likely to be comparably serious to, and/or to involve, operational dishonesty.

The Panel are satisfied that the conduct of former PC Sargeant involved compromising an investigation into a complaint of assault and was indeed operational dishonesty. The dishonesty in recording information that he knew was untrue is at the heart of this case and his culpability is increased by the fact that he forged the complainant's signature in an attempt to legitimise the false account. The former officer prioritised his desire to avoid his responsibilities over his public duties, so there was an element of personal gain in his actions.

Para 5.4 of the guidance details the proper approach to cases involving operational dishonesty, derived from the case of *Salter*. It can be summarised as follows:

-dismissal will be almost inevitable in cases where operational dishonesty has been found proven

-there may be exceptions but the number of such cases will be very small

- where the person(s) conducting the proceedings concludes that a case involving operational dishonesty falls into this very small residual category, they must identify the features of the case that render it exceptional

The Panel do not find that the proven conduct puts this case into the category of exceptional cases due to the complete disregard of the complainant's wishes and the total lack of honesty and respect when forging Mr A's signature. In addition, Honesty and integrity in the conduct of police officers in any investigation are fundamental to the proper workings of the criminal justice system.

d. In conclusion, we find former PC Sargeant's culpability to be high.

20) Harm

a. The College of Policing (CoP) Guidance then addresses the harm caused by the officer's actions, indicating that this can be considered in various ways. The text refers to harm caused to particular individuals, but the guidance recognises that harm may also be caused on a wider basis:

“Where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.”

b. 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. As was stated by Popplewell J in the case of *Fuglers LLP V SRA* [2014] EWHC 179 (Admin) at [29] the harm caused by the misconduct is not measured wholly or even primarily by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover, the seriousness of the misconduct may lie in the risk of harm to which the misconduct gives rise, whether or not as things turn out, the risk eventuates.

c. The legitimacy and effectiveness of UK policing is built on relationships between the police and the public. Former PC Sargeant's actions run the risk of severely undermining public confidence in the police.

The public need to have faith that officers will behave with honesty and integrity as anything else risks discrediting the police service.

d. The Panel considered the harm caused to Mr A and his disappointment when he discovered that his signature had been forged and the agreed actions not carried out. Clearly, his trust in the police was damaged.

e. Given the facts as found by the Panel, the risk of reputational harm to the police service is high.

21) The CoP Guidance then provides non-exhaustive lists of potential aggravating and mitigating factors.

a. The Panel considered the Guidance on Outcomes and reminded itself not to “double count” with matters already considered under culpability and harm. It concluded that the following additional aggravating features were present in this case:

Factors that indicate a higher level of culpability or harm include:

- continuing the behaviour after the officer realised, or should have realised, that it was improper. Former PC Sargeant was an officer of some experience and must have known the importance of providing accurate information in his PNB and the potential implications of not doing so.

b. Mitigating factors:

The Panel have not identified any mitigating factors.

c. Having considered culpability, harm, aggravating, and mitigating features the Panel concluded that this is a very serious case.

22) The CoP Guidance addresses personal mitigation.

The Panel has had regard to former PC Sargeant's record of service and his personal mitigation

Regulation 42(14) of the Conduct Regulations requires the Panel to take account of the officer's personal mitigation, but the weight to be accorded to that mitigation: a) is less than it would be in a criminal trial; and b) is dependent upon the extent to which the officer's misconduct threatens the public confidence.

The Panel have not identified anything within the record that would impact our assessment of seriousness.

23) Outcome

a. Having followed the steps above, the Panel went on to choose the disciplinary action which most appropriately fulfils the purpose of imposing disciplinary action considering the seriousness of the conduct in question (bearing in mind the need to act proportionately).

b. With respect to the purpose of imposing disciplinary action in police misconduct proceedings:

- I. The primary purpose is to protect the public confidence in and the reputation of policing;
- II. The second purpose is the declaratory purpose of maintaining high professional standards by demonstrating to other officers that misconduct of a certain kind and/or a certain seriousness will be dealt with by disciplinary action of a certain severity; and
- III. The third purpose is to protect the public and/or officers and staff by preventing the officer from committing similar misconduct again by excluding them from the police service.

c. In *R (Green) v Police Complaints Authority* [2004] UKHL 6; [2004] 1 WLR 725, Lord Carswell stated at [78]: "Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded." 256. Lord Bingham (when Master of the Rolls) had previously made the same point in relation to the solicitors' profession in *Bolton v Law Society* [1994] 1 WLR 512. In explaining the apparent harshness of sanctions imposed by the Solicitors Disciplinary Tribunal he

identified the purpose of such sanctions and said at p.518H (emphasis added): “The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission. If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor, pending reinvestment in another house, he is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires.

The Code of Ethics also has a preventive role. It requires everyone in policing to prevent unprofessional conduct by questioning behaviour which falls below expected standards. Additionally, it supports reporting or taking action against such behaviour.

d. Mr Goss, Counsel for the AA made the submission that the only possible sanction in view of our findings is that of dismissal without notice.

As the Panel have found the allegation proven to the level of gross misconduct, we consider it appropriate and proportionate to impose disciplinary action under Regulation 42.

e. In respect of former PC Sargeant, we find that the appropriate sanction had he still been a member of the Police Force would have been that of dismissal without notice.

The Panel is also satisfied that the breaches of the standards, as we have found, would have been incompatible with his role as a Police Officer if he had still been in service and that the need to protect public confidence in and the reputation of the police service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future is appropriately served by the imposition of disciplinary action.

f. As a result of this Misconduct Hearing, the following was found under Regulation 42(3) (b) and imposed with effect from the 20th of June 2025:

“A finding that the officer concerned would have been dismissed if he had not ceased to be a member of a police force”.

As a consequence of this outcome, former PC Sargeant will be placed on the College of Policing Barred List.

24) Right of Appeal

The Panel is required to notify former PC Sargeant that he has a right of appeal to the Police Appeals Tribunal.

To former PC Sargeant:

“You have a right of appeal against the finding and/or the outcome imposed at a misconduct hearing. You may only appeal on the grounds that: - a) The finding or disciplinary action imposed was unreasonable. b) There is evidence that could not reasonably have been considered at the misconduct meeting which could have materially affected the finding or decision on disciplinary action; or c) There was a serious breach of the procedures set out in the regulations or other unfairness which could have materially affected the finding or decision on disciplinary action.

Should you wish to appeal you must do so in writing to the appropriate authority, clearly setting out the grounds for the appeal within 10 working days beginning with the first working day after the receipt of the notification of the outcome of the misconduct meeting (unless this period is extended by the appropriate authority for exceptional circumstances)

The AA will provide you with a notice as to the procedure to be followed in that regard”.

Grant Wills, Assistant Chief Constable and Chair
Gillian Seager, IPM
Devika Assi, IPM

20th June 2025