

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

OFFICER X

DECISION OF THE PANEL

1) It is alleged that Officer X has breached the Standards of Professional Behaviour as set out in the notice in the following terms: -

1. You engaged in conversations via Social Media messaging with a colleague. These conversations contained a number of comments and images including racism and homophobia.

2. You engaged in conversations via Social Media messaging with PC Z. These conversations include derogatory comments in relation to West Mercia Police colleagues, and others. These conversations also espouse acts of abhorrent violence towards said colleagues many of whom you have been in contact with through work.

Particulars of Misconduct:

Officer X, it is alleged that you have breached the Standards of Professional Behaviour as follows:

Allegation one- Authority, Respect and Courtesy: in that you failed to act in a professional manner and behaved in a manner that may damage your reputation and that of policing. The images and conversations as alleged at Paragraph 1 show little regard for respect of your colleagues or those of different sexual orientation or race.

Allegation two- Equality and diversity: in that you had memes and other content on your work and personal mobile phone that are discriminatory in nature. Further, that you engaged and actively participated in conversations that are discriminatory.

Allegation three- Discreditable conduct: in that your behaviour as set out in the Particulars of the Allegation and Particulars of Misconduct have discredited the police service and/or severely undermined public confidence in it.

It is alleged that these matters individually and/or collectively amount to gross misconduct, namely a breach of the Standards of Professional Behaviour that, if proved, is so serious that your dismissal would be justified.

2) Representation

Throughout the hearing the Appropriate Authority (AA) has been represented by Mr Barnabus Branston of Counsel, and the officer was represented by the Federation Representative, DI Lesley Williams.

The Panel would like to thank both for the quality of their submissions in this case.

3)The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020 and within the Home Office Guidance of 2018:

Authority, Respect and Courtesy

1.13. Police officers act with self-control and tolerance, treating members of the public and colleagues

with respect and courtesy.

1.14. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

1.15. Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Discreditable Conduct

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

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

1.26. Discredit can be brought on the police by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the police officer that is considered under the misconduct procedures, whether the conduct occurred on or off duty.

However, where a police officer has been convicted of a criminal offence that alone may lead to misconduct action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated how the conduct or conviction discredits the police.

4)The Panel's Approach

a. The officer has admitted Gross Misconduct in sending inappropriate and offensive material and does not put forward any mental health difficulties that he was experiencing at the relevant time as a defence. However, his admissions are qualified, in that he does not accept being racist or homophobic.

As such, the role of the Panel is to make determinations on the balance of probabilities on the content that is alleged by the AA to be racist or homophobic but is disputed by Officer X. We make clear that the allegations are not concerned with whether Officer X intended to cause harm and further, it is not alleged that he created any of the images or memes. As such, these are not issues for the Panel.

b. In relation to the admission that his behaviour amounts to Gross Misconduct, he does this on the basis that:

a. He engaged in personal conversations via social media (WhatsApp) with PC Z, whilst off

duty, on his personal phone.

b. These conversations include the comments and images presented to him in interview.

c. He spoke about colleagues in a disrespectful and derogatory manner but did not have any intent to cause them harm.

d. He accepts that this is a breach of the Standards of Professional Behaviour as set out in the Regulation 30 notice. However, he denies that he was racist or homophobic.

e. Officer X contends that the conversations are misunderstood and taken out of context, although accepts that some of the messages were ill-judged.

f. The AA challenges Officer X's denial that he was not racist or homophobic and aver that the messages and images in question are plainly of such character. They are significantly more than just 'ill-judged and inappropriate', and the officer's various ill-founded attempts to provide alternative benign explanations for them should be wholly rejected.

g. Officer X admits Gross Misconduct and does not seek to put forward a medical defence to his actions in respect of sending and engaging in the messages and conversations. As such, the Panel have not considered the medical evidence at this stage. It will become relevant when we move to outcome.

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

6)The Panel also reminded itself of relevant guidance from the Home Office Guidance:

"2.265. The more serious the allegation of misconduct that is made or the more serious the consequences for the individual which flow from a finding against him or her, the more persuasive (cogent) the evidence will need to be in order to meet that standard. This does not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred".

7)Background

These allegations resulted from a search of PC Z's home, during which his phone was seized. PC Z was the subject of a separate and unconnected investigation at the time. An examination of PC Z's phone revealed conversations between PC Z and Officer X, which have now become evidence in this disciplinary case against Officer X.

8) Findings of the Panel

a. The Panel make clear that we considered each of the social media messages separately and have looked at the context. We considered at length the submissions made on behalf of the AA and on behalf of Officer X.

Our findings are as follows: -

b. Message exchange with PC Z at around 10:20 on 17th March 2021.

This message thread ends with a comment from Officer X that he is “blacking up” for the next promotion board, in response to a message from his colleague about being “inhibited” as a straight, white male and the board being “corrupt”.

Officer X states that he had done all he could to be successful with promotion. In a fleeting moment at the mention of another colleague who is black he made that response. It was a regretful comment made when he was extremely upset and disappointed.

The context of him making this comment was this officer’s failure at a promotion board when a black colleague had been successful and was the immediate response to PC Z’s comment about him being a ‘straight white man’. The Panel notes that Officer X showed some insight as he apologised to his colleague.

There can be no other reasonable conclusion other than this being a reference to a black person having an advantage at a promotion board and as such, we are satisfied that it was racist as it demonstrates prejudice, discrimination, and/or antagonism towards a minority group.

c. Message exchange with PC Z at around 09:39 on the 25th of August 2021 (in reference to a senior officer).

Officer X stated, “Put a jihad on him”.

Officer X admits that he would not have said this to the senior officer directly, for fear of being considered racist and further accepts that the comment could have been interpreted as inappropriate or derogatory.

The Panel is satisfied that this exchange would be potentially offensive to someone of the Muslim faith. Further, we do not accept that the choice of the word “jihad” was coincidental but rather deliberate and linked to the senior officer’s presumed or known religion.

d. Message exchange with PC Z between 17:31 and 18:29 on the 25th of August 2021.

This is an exchange about anal sex, which Officer X contends that he was experimenting with. As such, we do not find it to be homophobic but rather a brief exchange with PC Z about mutual sexual exploration.

e. Message to PC Z at around 14:21 on the 28th of August 2021

Officer X sent a Lynx Africa advertising video, featuring a black male, together with the caption “We’ve all said something at wrong times”.

The comment attached to the video was “who wants to smell like Africa”.

Officer X accepts that this could be taken as discriminatory in nature if read by someone other than for whom it was intended and that it was inappropriate.

The Panel do not accept the explanation given by Officer X that this was because he had a large quantity of Lynx Africa, and we are satisfied that it was racist. The strapline of “We’ve all said something at wrong time” make no sense at all in the context of his explanation of being embarrassed about having a stockpile of deodorant.

f. Message exchange with PC Z between 21:11 and 21:12 on the 28th of August 2021
PC Z informed Officer X that he had a poorly shoulder and the response from Officer X was “Doesn’t make your arsehole redundant”.
Again, we do not find this to be homophobic but rather a comment about something that both men say that they were actively exploring.

g. Message exchange with PC Z between 19:43 and 19:52 on the 3rd of September 2021.
PC Z said that he was “Gonna get cunted and go on a killing spree”.
Officer X messaged back, “Can I come”.
PC Z replied, “Whilst shouting aluha akhbar”; “Cos if you do that it’s fine”.
Officer X responded with “I have an assault vest still”.

Officer X failed to challenge this expression by his colleague, which is an Islamic phrase and has significant meaning to Muslims. He says that he was trying to move the conversation along but assumed that the reference was to terrorism and accepts that some people may find this offensive.

In the context of the totality of the message, it is apparent that this was a demonstration of racism, which Officer X not only failed to challenge but engaged with.

h. Message to PC Z at around 10:05 on the 6th of September 2021 of a meme with caption. This is the use of the expression “goatrider” by Officer X.
In the film Top Gun, the air traffic controller calls the character Maverick “Ghostrider” and does not use the same expression as Officer X.
When considered with the images of men in thobes and turbans attached, together with the inference that these men have sex with goats, we are satisfied that it was racist and do not accept Officer X’s explanation that this was a private joke referring to his time serving in Afghanistan.

i. Message sent by Officer X to PC Z at around 14:31 on the 8th of September 2021 of a meme with the caption, “We’re gonna need a bigger knee” and Officer X stating “I find this unacceptable”.
Officer X accepts that this was inappropriate, but says that they were referring to a private joke where Officer X had been threatened by a partners ex. It was not sent with racist intent.

The meme depicts a black male with a large neck, hence the reference to a bigger knee and what the Panel consider must be concerned with the killing of George Floyd due to neck compression from a knee.

We have considered why this meme would have been used as part of a private joke and cannot find any reason other than its connection with the death of Mr Floyd and are entirely satisfied that it was racist and deeply offensive.

j. Message exchange with PC Z between 17:40 and 17:42 on the 29th of September 2021. Officer X asked PC Z to review a movie named, "GAY NIGGERS FROM OUTER SPACE".

It is not alleged by the AA that the movie itself was racist, but that reference to the film's title was for entirely inappropriate comedic effect. We accept that the movie is freely available in the Public Domain (YouTube) and that it is not racist per se but have viewed this message within the context of other messages between Officer X and PC Z.

This was an invitation to use Google, which displays a warning to users.

Given the abiding tone of the correspondence with PC Z, the Panel are satisfied that this message was sent to find comedy in the racist word in the title.

k. Message exchange with PC Z between 17:47 and 17:55 on the 29th of September 2021. Officer X advised PC Z to conduct an internet search in relation to 'which Dinosaur had 500 teeth', the answer being the Nigersaurus.

This was sent approximately seven minutes after the message about the movie and involves repetition of an obviously offensive racist word that can be found in the name of the dinosaur. We are satisfied that this was a further crude attempt at eliciting humour from the use of a racist word.

In conclusion, the Panel find the messages to be racist, in that they demonstrate prejudice against groups of people because of their membership or presumed membership of a particular racial or ethnic group and also are derisive, insulting and rude to those persons.

However, we do not find the messages to be homophobic, in view of the questioning of his sexuality by Officer X and the nebulous nature of any references to gay persons.

9) In respect of the messages about officer colleagues, Officer X accepts that he spoke about colleagues in a disrespectful and derogatory manner but says that he did not have any intent to cause them harm. However, the absence or otherwise of an intent to offend is not a relevant issue for us to determine.

a. The AA wholly rejects Officer X's attempts to provide an alternative context to what he said and says that his account of trying to 'talk PC Z down' or to 'de-escalate' him is so inherently unlikely in the overall context of their puerile correspondence that it can be rejected out of hand.

b. The Panel consider that the messages were not merely disrespectful and derogatory but deeply offensive and at times, misogynistic.

c. One example is the conversation at screen 240, when PC Z suggests torturing a female colleague in front of a senior officer. This not only passes unchallenged by Officer X, but he joins in, and suggests using an antique Rwandan blade. We don't accept Officer X's explanation that he thought it was an appropriate way to help PC Z.

d. Similarly, the conversation depicted in part in screen 241, when Officer X says, "can we kill people soon?" and then names potential victims, "XXX is first" is disturbing. He further comments "doesn't matter as a shot gun would rip her apart anyway".

e. Screen 81 refers to a female officer who PC Z threatens to burn alive. Officer X responds by saying "I would probably turn her around and fuck her in an angry manner 33% of the way through the burning process". This is distressing to read and the suggestion by Officer X that he was referencing a Masonic detail in seeking to appeal to PC Z's deeply held Masonic convictions, is fanciful.

10) Whilst not specifically raised by Officer X, we have considered their Article 10 rights but are satisfied that these are 'qualified' rather than 'absolute' rights.

a. Schedule 1 of The Police Regulations 2003 says as follows:

1. A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall not take any active part in politics.

b. Indeed the Home Office Guidance makes this clear at para 1.28:

Police officers have some restrictions on their private life. These restrictions are laid down in the Police Regulations 2003. These restrictions have to be balanced against the right to a private life.

Therefore, in considering whether a police officer has acted in a way which falls below these standards while off-duty, due regard should be given to that balance and any action should be proportionate taking into account all of the circumstances.

11) Decision as to Misconduct or Gross Misconduct

a. The officer accepts that his behaviour amounts to Gross Misconduct, but his admissions were qualified. The Panel have made findings in respect of the disputed messages, which we are satisfied were racist. Indeed, the totality of the messages, their content and nature, amounts to Gross Misconduct.

b. There are messages of an inappropriate nature passing between Officer X and PC Z over a period of approximately 8 months, so this is not a case of an isolated error of judgement.

c. The legitimacy and effectiveness of UK policing is built on relationships between the police and the public and social media should be a way in which the police can connect positively

with members of the public. In a consent-based policing system engagement with the public is crucial in building trust and confidence.

If the public were aware that an officer had used social media in the way that Officer X did, we consider that it would damage public confidence and trust to a greater extent, particularly amongst minority groups. There are longstanding challenges in the police relationship with black and ethnic minority communities and trust and confidence would be eroded if these communities were aware of the content of the messages.

d. Similarly, the colleagues in the policing workforce itself who were mentioned in such derogatory and offensive terms would likely be alarmed and distressed if they knew what had been said about them. However, the messages go beyond this, and the Panel are alarmed to note the threats of violence, which are graphic. The fact that they are contained within private messages to a colleague does little to mitigate the unpleasant nature and potential impact.

e. It is reasonably expected of police officers that they adhere to force values and principles, even in their personal time. This is the necessary trade off for policing by consent and maintaining, or seeking to regain, public confidence in the service.

In conclusion, the Panel is satisfied that each of the breaches of the Professional Standards in relation to Authority, Respect and Courtesy, Equality and Diversity and Discreditable Conduct individually and/or collectively amount to Gross Misconduct.

Rosalind Jackson
Independent Member

Wendy Evans
Legally Qualified Chair

Andrew Bailey
Superintendent

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

OFFICER X

REGULATION 43- NOTIFICATION OF OUTCOME

1)The Panel now must effectively re-visit and reconsider the factual and social evidence in this case, together now with the medical evidence, in order to decide on the appropriate outcome.

2)In assessing the seriousness of this case the Panel 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 chose 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.

3)Before doing that however we need to set out our understanding of some other important matters of law and our approach to the issues involved.

We are dealing here with an Officer who Dr Gupta says is suffering from an adjustment disorder, namely mixed anxiety and depressive reaction.

4)All the members of the National Association of LQCs (of which the Chair on this Panel is one) were circulated with the otherwise unreported decision of Rachel Crasnow KC involving the Chief Constable of West Yorkshire, and we have reminded ourselves of some of the key passages within it:

We also draw attention to the importance of embedding Home Office Guidance about how Misconduct Panels are to engage with disability discrimination under the Equality Act 2010. We have appended the relevant section of the 2020 edition to this decision. We also note that the College of Policing Outcomes Guidance states at para 2.9: "Be aware of and to adhere to human rights and equality legislation. In determining the appropriate outcome to impose, have regard to the principle of proportionality, weighing the interests of the public with those of the office."

It must be that all who sit on and appear before Misconduct Panels are aware of discrimination law and especially the positive obligations that exist relating to people with

disabilities. If Misconduct Panels do not heed the provisions of the Equality Act in cases where any form of discrimination is a potential issue, this risks a wasteful incurrence of resource for all involved (such as consequent appeals and/or discrimination complaints brought to Employment Tribunals) and also causes real injustice to individuals who may risk losing their livelihood unlawfully.'

5) It is no understatement therefore to state that we have taken our duties in considering the law correctly with the utmost seriousness.

This case can be distinguished from others where the Equality Act has been invoked due to the admission by Officer X of Gross Misconduct at the outset.

He did not and does not seek to advance his mental health at the time of his actions as a defence to the breaches of the Professional Standards.

As such, it follows that this is not a case where the officer is alleging that his mental health caused him to act in the manner that he did or that there was a medical reason for his conduct. That is not to say that his mental health is irrelevant, however.

6) So, where does that leave the Panel in terms of the medical evidence that we have considered?

As Dr Gupta's statement says "Officer X was going through emotional difficulties for some time, as mentioned in detail in other sections of the report. It is likely that he would have been feeling frustrated with ongoing stress at work. This may have contributed to increase in upset, irritability, low mood, poor sleep, resulting in emotional dysregulation. In such emotionally dysregulated states, judgement and rational thinking gets adversely affected".

Therefore, despite his mental health not being raised as a defence to his actions, we consider that this case crosses the threshold into one in which disciplinary action may only be taken against him without being unlawful if it can be justified as a proportionate outcome intended to achieve a legitimate objective. That is, is the achievement of the objective sufficient to outweigh any potential discriminatory impact on Officer X. In this case that objective is the maintenance of the highest standards of professional behaviour, to maintain public confidence in the Police and deter wrongdoing by others and to protect the public. We must therefore exercise our judgment.

7) With this in mind, the Panel have followed the structured approach as set out in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings.

In summary, the Panel:

Assessed the seriousness of the conduct and the behaviour of the officers;

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.

8) Seriousness of the Conduct and Behaviour:

In assessing the seriousness of the behaviour of Officer X, the Panel considered the

following factors in line with the guidance in the CoP Guidance on Outcomes:

The culpability borne by them for their actions

The harm caused by their actions

The existence of any aggravating factors

The existence of any mitigating factors

9)Culpability

We first assessed the culpability of Officer X arising from his conduct and specifically the following paragraphs within the College of Policing's Guidance on Outcomes:

Para 4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused.

This case involved deliberate conduct, being messages sent over a period of approximately 8 months.

The Panel reminded itself that certain types of misconduct should be considered especially serious, one type being discrimination towards persons because of any protected characteristic.

Para 4.55-Protected characteristics include race, religion and belief and sex.

Para 4.56-Discrimination may involve language or behaviour. It may be directed towards members of the public or colleagues. It may be conscious or unconscious.

Para 4.57-Cases where discrimination is conscious or deliberate will be particularly serious. In these circumstances, the public cannot have confidence that the officer will discharge their duties in accordance with the Standards of Professional Behaviour.

Decision as to the level of culpability

We find culpability to be high. This was behaviour that was repeated over an 8-month period. The messages were sent deliberately and at times, Officer X was the instigator of them. In addition, there is a lack of trust and confidence amongst black and minority ethnic communities with the police, and the Panel are satisfied that trust amongst these communities would be seriously eroded if they were aware of the content of some of the messages. Without the trust and confidence of black and minority communities, policing is less effective at protecting all communities.

Then there are Officer X's police colleagues to consider, and any reasonable person would know that language of the type used by Officer X would cause distress.

10)Harm

The College of Policing Guidance then addresses the harm caused by the officer's actions, indicating that this can be considered in various way. The text refers to harm caused to

particular individuals, but the guidance recognises that harm may also be caused on a wider basis:

Para 4.66-Effect on the police service and/or public confidence

Harm will likely undermine public confidence in policing. Where an officer commits an act which would harm public confidence if the circumstances were known to the public, take this into account. Always take seriously misconduct which undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

Para 4.68-Where no actual harm has resulted, consider the risks attached to the officer's behaviour, including the likelihood of harm occurring and the gravity of harm that could have resulted.

Para 4.69-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.

Para 4.70-If applicable, consider the scale and depth of local or national concern about the behaviour in question.

Para 4.74-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. For example, violence against women and girls perpetrated by a police officer, whether on-duty or off-duty, will always harm public confidence in policing, since this is inimical to the values of modern policing and the Standards of Professional Behaviour.

Based on our experience and the circumstances of the case, the public would, in our view, be greatly concerned and troubled by the racist and violent content of the messages sent. The policing model in the UK relies on the public's consent and trust and the Panel consider that this trust would be adversely impacted to a significant extent if Officer X's behaviour were known.

We consider racism and sexism to be matters of great public concern, and the police are endeavouring to maintain and, in some circumstances, rebuild trust and confidence. Language of the kind used by Officer X would damage these efforts, particularly amongst minority groups and women.

Decision of the Panel as to the level of harm

We consider the level of harm to be high, due to the national concern and collapsing public trust in the police amidst allegations of institutional racism and misogyny.

11)The College of Policing Guidance then provides non-exhaustive lists of potential aggravating and mitigating factors:

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

-Premeditation, planning, targeting, or taking deliberate or predatory steps.

The messages were deliberate, and we were not persuaded by Officer X's account that, at times, he was trying to counsel or help PC Z.

-Regular, repeated or sustained behaviour over a period of time.

We find that both factors apply.

12) Mitigating factors

We find that the following applies:

-Mental ill health, disability, medical condition or stress that may have affected the officer's ability to cope with the circumstances in question.

The Panel have in this respect followed the guidance, which warns us to be aware of, and adhere to, human rights and equality legislation. In determining the appropriate outcome to impose, we must have regard to the principle of proportionality, weighing the interests of the public with those of the officer.

13)The College of Policing Guidance addresses personal mitigation. It states that personal mitigation is not relevant to the seriousness of the misconduct, and it is to be considered after assessing the seriousness. Further, it says that "the weight of personal mitigation will necessarily be limited particularly where serious misconduct has been proven". If the misconduct is so serious that nothing less than dismissal would be sufficient to maintain public confidence, personal mitigation will not justify a lesser sanction. Nonetheless, personal mitigation is always relevant and should always be considered.

As such, the Panel notes that Officer X appears to be highly regarded and we have considered the positive character references and employment history provided on his behalf.

Notwithstanding this, we have in mind the purpose of the misconduct regime and have given appropriate emphasis to the strong public interest in the maintenance of public confidence in reaching our conclusion on outcome.

14)Outcome

a. It was submitted on behalf of the AA that the only appropriate sanction in view of the purpose of the misconduct regime is one of dismissal without notice.

b. It was submitted on behalf of Officer X that the exceptional facts of this case would enable us to impose an extended Final Written Warning.

c. The Panel must demonstrate that our actions are a proportionate way of achieving a legitimate aim, which is the maintenance of public confidence and the protection of the

public. We have considered whether this need is sufficient to outweigh any discriminatory impact on Officer X.

d. The panel note in relation to the question of sanction that the least restrictive sanction should be imposed, and we considered the outcomes available to us in ascending order of severity.

e. Our first question is whether a final written warning would fail to deter misconduct, fail to protect the public or risk high policing standards being downgraded? Having considered all the factors which informed our view on seriousness, we are satisfied that the three-fold purpose of misconduct proceedings would not be met by the imposition of a Final Written Warning.

f. The lowest possible sanction, having regard to the totality of the circumstances and the need to protect public confidence in and the reputation of the police service and to protect the public, is one of dismissal without notice.

Rosalind Jackson
Independent Member

Wendy Evans
Legally Qualified Chair

Andrew Bailey
Superintendent

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