

IN THE MATTER OF POLICE MISCONDUCT PROCEEDINGS UNDER THE POLICE
(CONDUCT) REGULATIONS 2020

BETWEEN

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

AND

PS [REDACTED] (PS X)

OFFICER CONCERNED

1. This hearing has been held between the 9- 13 March 2026 at Patrick Dunne House, Sutton, London. The Panel consisted of Commander Andy Brittain (Chair), Ms Joy Julien and Mr Vincent Canning Independent Panel Members. Ms Dale Simon was the Legally Qualified Advisor to the Panel.
2. The Appropriate Authority (the AA) was represented by Mr Richard Milne and PS X was represented by his Police Federation Representative PC Paul Marks.

THE ALLEGATIONS

3. The allegations facing PS X are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

Being a member of the Metropolitan Police Service,

Allegation 1

1. PC [A] was a probationary police constable with about 1 year of service when you met her in the course of your respective police duties in about April 2023, at the time you were then a police sergeant with almost 6 years of service

2. A “power imbalance” existed between you and PC [A] in the period from about April 2023 to October 2023.
3. You used such power imbalance to improperly initiate and/or control and/or maintain a sexual relationship with PC [A] in the period from about April 2023 to October 2023

Allegation 2

4. You were in a sexual relationship with PC [A] in the period from about April 2023 to October 2023,
5. You had become aware in the course of that relationship with her that PC [A] had prior to you meeting her been in an abusive relationship
6. You improperly took advantage of PC [A] vulnerability arising from such previous abusive relationship to initiate and/or control and/or maintain such sexual relationship.

Allegation 3

7. You were in a sexual relationship with PC [A] in the period from about April 2023 to October 2023,
8. Such relationship created a conflict of interest and/or could have been perceived to have created a conflict of interest
9. You should have declared such relationship with PC [A] to your line manager during and/or at an early stage of such relationship
10. You did not declare such personal relationship to your line manager at any stage during the course of such relationship

Allegation 4

11. You were in a sexual relationship with PC [A] in the period from about April 2023 to October 2023
12. You attended her home address in that period on approximately 10 to 20 occasions

13. On some and/or all those occasions sexual intercourse took place between you
14. On every and/or most of those occasions, other than one of those occasions, you attended her home address when she did not invite you to her home address and/or did not wish for you to attend her home address
15. On every and/or most of those occasions, other than one of those occasions, you attended her home address when you knew that she had not invited you to her home address and/or you knew that she did not wish for you to attend her home address

Allegation 5

16. On the 8th October 2023 PC [A] made clear to you that she did not want to be contacted by you
17. On and after the 8th October 2023, after PC [A] had made clear to you that she did not want you to contact her, and knowing she did not want you to contact her, you continued to:
 - a. Message her, and/or
 - b. Telephone her, and/or
 - c. Took steps through another to attempt to get her to “unblock” you

Breaches of Standards

18. By reason of the matters above, either individually or collectively, your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Discreditable Conduct, in that you behaved in a manner, whether on or off duty, which brought discredit on the police service or undermined public confidence in policing.
19. By reason of the matters above, either individually or collectively,

your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Authority, Respect and Courtesy, in that you did not act with self-control and tolerance, that is you failed to treat a police colleague with respect and courtesy, and/or you did not use your powers and authority lawfully and proportionately and/or did not respect the rights of a police colleague

20. Your behaviour amounts to gross misconduct.

PRELIMINARY ISSUES

4. On the Morning of the 10 March counsel for the AA informed the Panel that the 30,000 plus telephone messages between PS X and PC A had not been seen prior to the preparation of the Regulation 30 allegations in this case. Having now considered the messages and in accordance with the AA's duty to continuously review the evidence relied upon, the AA sought to amend the Regulation 30 allegations facing PS X. Specifically, allegations 2 and 4 were no longer being advanced by the AA and allegation 1.3 was amended to read:

“3. You used such power imbalance to improperly initiate a sexual relationship with PC A in about April 2023 to June 2023.”

5. A preliminary direction was made that the following ciphers would be used to protect the identities of the complainant and witnesses in this case:
 - PS [REDACTED] – PS X
 - PC [REDACTED]- PC A
 - PC [REDACTED] – PC B
6. On the morning of the 10 March counsel for the AA applied for the cipher of “PC C” to be applied to PC [REDACTED] to avoid the inadvertent identification of the officer concerned and the witnesses whose identities had already been anonymised.

7. A preliminary direction had also been made in respect of the use of screens for PC A. On the morning of 10 March counsel for the AA made an application for the use of screens on behalf of PC C to enable her to give her best evidence. The application was not opposed by PS X therefore the application was granted.

CASE SUMMARY

8. PC A first met PS X in April 2023, when PC A was on attachment with the My Investigation Support Team (MIST) at Forest Gate Police Station for 5 days. PS X was the supervisor in charge of MIST at this time. On 8 May 2023, PS X moved to the Emergency Response Team A (Response Team A) PC A was already a probationary officer on Response Team A when PS X joined the team. PS X shared supervisory responsibility for Response Team A, but he was not PC A's direct line manager.
9. It is alleged that on 9 May 2023, PC A asked PS X for his work number so that she could contact him if needed, for work purposes but she later realised that PS X had given her his personal number. Later, this same day, PC A received a message on her personal number from PS X. PC A states that PS X had obtained her personal number from a colleague. Following this initial contact they began to have daily conversations on WhatsApp.
10. Whilst on holiday between 23 -30 May 2023, PC A started to receive messages of a sexual nature from PS X. It is alleged that these messages made her feel uncomfortable as he was a sergeant on her team and she only knew him from work, not personally at that time.
11. PC A and PS X had a consensual sexual relationship, but it is alleged that they were never boyfriend and girlfriend. By October 2023 their sexual relationship had ended, and PS X had commenced a new relationship with another police officer who was known to PC A. It is alleged that on the 8 October PC A made it clear to PS X that she did not want to be contacted by him, but despite this PS X continued to contact her.

12. PS X accepts that he had an intimate sexual relationship with PC A, but he denies that there was a power imbalance between them, and that he used the alleged power imbalance to initiate the sexual relationship with PC A. He accepts that he contacted PC A on and after 8 October 2023, but he denies that his conduct amounted to misconduct due to the context in which the contact/attempted contact was made.

EVIDENCE

13. In advance of this hearing the Panel was supplied with the documents in accordance with the Police (Conduct) Regulations 2020 which included a copy of the papers served on PS X in accordance with Regulation 30 and PS X's response to the AA under Regulation 31. In determining the facts in this case, the Panel had regard to:

- All documents and materials in the hearing bundle, the Regulation 30 notice and Regulation 31 response whether they were explicitly referred to or not during the hearing.
- The oral evidence of PC's A, B, and C and PS X.
- The excel spreadsheet of approximately 33,143 messages between PC A and PS X
- Videos x 2 interview audio.
- The schedule of messages to be relied on by the AA
- The character references provided on behalf of PS X.
- The submissions made on behalf of the AA and PS X.
- The legal advice provided by the LQA

THE PANEL'S APPROACH

14. In considering the facts, the Panel was aware that the burden of proof is on the AA and the standard of proof is the balance of probabilities. In line with the principle derived from *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*, the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent

probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.

15. In considering whether the burden of proof has been satisfied in this case the Panel also had regard to the character references submitted on behalf of PS X and his previous good character which positively support PS X's credibility and lack of propensity to act in the manner alleged.
16. The Panel was also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence and that their veracity should be tested by reference to objective facts proved independently in their evidence if available. The Panel has also reminded itself that it should make a rounded assessment of a witness's reliability, rather than approaching their reliability in respect of each charge in isolation from the others: *R (on the application of Dutta) v GMC [2020] EWHC 1974 (Admin)*.

FINDINGS OF FACT

ALLEGATION 1

17. There is no dispute that PC A was a probationary officer with about 1 year of experience when she first met PS X in the course of their respective police duties in about April 2023 or that PS X was a police sergeant, who had some six years' service as a police officer. These are matters of factual context which of themselves are incapable of amounting to misconduct. PS X disputes that a power balance existed between himself and PC A and that he used such power imbalance improperly to initiate a sexual relationship with PC A. The AA rely on the evidence of PC A and PC C to prove the disputed allegations of fact in respect of allegation 1. The Panel found these allegations of fact not proved on the balance of probabilities for the reasons detailed below.
18. In her statement dated 11 October 2023 PC A describes first meeting PS X in April 2023 while she was on a 5-day placement on Forest Gate MIST. At the end of her

placement, she states that PS X told her that he would be joining Response Team A where she was based on 8 May 2023 to become a response sergeant. She states that on 9 May while at work she asked PS X for his number so that she could contact him if she needed to for work purposes. She states that she later realised that he had given her a personal number. Later that day after leaving work she received a message from PS X stating:

“I hate these private numbers that keep calling me. Any idea who it is??”

19. PC A states that she found out a few days later that PS X had got her phone number from a colleague on Response Team A. After the first contact on 9 May they started to have daily conversations via WhatsApp. She states that:

“The SERGEANT was very friendly to me and I was just coming out of a toxic relationship after five years and it was nice to talk to someone about general stuff. I was quite vulnerable because I was still getting over my bad relationship!...which I ended sometime in the last week of APRIL 2023 or the first week of MAY 2023.”

20. She states that the first time that he sent her a sexually explicit message was when she was on holiday in Majorca at the end of May 2023. She states that the message was a shock to her because she had only known him for about 2 weeks and he was her boss, She states that her response to the sexual message was:

“You are a sexual person. I am not even half way the way you are (laughing emoji). You might not like it”.

21. PCA states that she felt uncomfortable to receive that type of message because he was her sergeant and she didn't know him personally – *“just at work and she had never alluded to him that she wanted any relationship with him”*. She states that she tried to brush the incident under the carpet but he also called her on her mobile phone during the holiday *“as he tried to build a foundation with me- to get me to trust him more”*. She states that he called her a few more times while she was on holiday and the conversations lasted for about five to ten minutes each. They agreed that she might see him on 5 June outside work.

22. She states that PS X sent her messages in May 2023 stating that he would like to kiss her at work and she recounts meeting PS X in Hyde Park on 3 June 2023 when she was in the park with her friend PC C. She states that PS X sent her message asking her to: *“Send me your live location and I will find you”*, she states that she sent him her location but describes his turning up when she was with her friend and child as strange behaviour. She states that they ended up having lunch together, but she felt uncomfortable and hardly spoke.
23. PC A describes keeping her distance after the meeting in Hyde Park and states that she lied to PS X about why she couldn't meet him on 4 June as planned. At 22.56 that night she received a message from PS X which stated:
“I hate that you you're not being fully honest. Are you still interested?”
24. PC A states that she told PS X that she wanted some space, but he refused to give her any. She also states that the following week he invited himself to her house. She states that she felt uncomfortable to have him there; after sitting on the sofa together PS X started to kiss her, and they ended up having consensual sex.
25. In oral evidence PC A confirmed the contents of her statement. Although visibly upset on occasion, her oral evidence was largely consistent with her written statements, however, the reliability of her account of how and why her relationship with PS X commenced was significantly undermined by inconsistencies (detailed below) between her account and the incontrovertible content of the numerous messages between herself and PS X.
26. In oral evidence PC A stated that when she received the first sexual message from PS X while she was on holiday it was *“a bit shocking but also a bit flattering”* because she was a new police officer and the sergeant was showing interest- but after some time she realised that it was not alright. PC A also stated that she had given PS X the key to her house because she had to leave him in her house to go to work and she didn't want her house to be left unlocked after he left. In response to cross examination PC A accepted that she told PS X that he could join her in Hyde Park, but she stated that as a sergeant he should have known that it wasn't appropriate to do so. She also accepted that she gave PS X her location while she was in the park so that he could find her.

27. In a statement dated 13 October 2023 PC C states:

“On SATURDAY 3rd JUNE 2023 PC A and I had made arrangements to take our daughters to Hyde Park. We spent the best part of the afternoon in Hyde Park with our children. PC A had disclosed that PS X wanted to see her that very day. She had told him she was out with me and he ignored the fact that I could suspect something between them had he showed up. PC A had then told me that he arrived at Hyde Park and was searching the park for almost an hour. I advised her to give up our location as I felt bad for him looking for us. I equally thought he was deluded to intrude on a day out our children there and I was not shy of expressing this to PC A. His desires had clearly clouded his judgment from the very beginning to a point he could not see that this was not an appropriate time to meet PC A. He also did not ask PC A if I was happy for him to be around my 2 year old daughter, given the fact neither of us had met him outside of work before. He showed up and PC A's mood had drastically changed. She avoided eye contact with him and stayed extremely quiet and would only reply bluntly if she had to respond to him. I felt the tension and tried to make an effort with him to make the atmosphere less awkward and unnerving. He followed us to what I remember being ASK ITALIAN to have some dinner and sat opposite PC A on a diner style table, PC A's daughter being on his right and directly opposite me. The day was becoming more stressful for me as I was the only one talking to him and making conversation. PC A continued to stay 'quiet' [sic] and close herself off which put all the pressure on me to entertain a sergeant I barely knew”

28. PC C also recounts that PC A told her the day after the meeting in the park that she (PC A) was due to meet with PS X on 4 June but she had cancelled the meeting. PC A also informed PC C that PS X wanted to be serious with her but she had just come out of a long-term relationship and was not ready for commitment the statement continues:

“I advised PC A that though his intentions seemed genuine, it was too soon to have such conversations”.

29. PC C also recounts receiving a message from PS X some weeks later, in which PS X wanted to know how PC A felt towards him. She states that she was confused because

she didn't know that their situation was ongoing. PS X told her that he and PC A had been intimate PC C states:

“I told him that I knew and stated that she wasn't looking for anything serious. I was also under the impression at the time that PC A was enjoying the attention following her break up which was completely normal. I told PS X this but he believed he could change her mind and something kept him going still. He tried to manipulate me to being on his side and made me doubt my friendship with PC A as she had kept all of this from me.”

30. PC C gave oral evidence which was consistent with her written statement and the Panel found her to be an unbiased and credible witness. She accepted that her view as to whether she believed what she was told by PC A or PS X had changed over time.
31. In his Regulation 31 response PS X denies that a power imbalance existed between himself and PC A. He states that although there was a difference in terms of police experience PC A was as much in control of the personal and sexual relationship as he was. He asserts that PC A has sought to misrepresent their relationship in her evidence. PS X also denies using any alleged power imbalance to initiate a sexual relationship with PC A.
32. In his MG14 interview dated 9 May 2024 PS X stated that he and PC A had a two-way relationship. He said, *“There were no instances with PC A where a power dynamic played a part”*. He also said there had not been an incident where he had interacted with her in a *“Sergeant to PC capacity”* where rank came into play. Later, in his response when asked whether his position was used to influence or control PC A he said, *“I can say with full confidence that rank played no part in our relationship, and nothing happened at work...”*. He stated that when PC A asked for his phone number it was unexpected, but it was clear to him by her body language that she was flirting.
33. In oral evidence PS X found it difficult to focus on the questions put to him, but his oral evidence was largely consistent with his written evidence and as such the Panel found him to be a credible witness. He stated that work phones were being rolled out in May 2023, so most people still used their personal phones numbers on the team

WhatsApp group. He stated that when he joined Response Team A, he was not working directly with PC A so there was no need for her to ask for his number for work purposes. He described her body language as flirtatious when she asked for his number. He stated that his personal relationship with PC A and his professional relationship were kept separate, no one on the team apart from PC C was aware of their relationship and he never showed any favouritism towards PC A. He maintained that there was no power imbalance in their relationship.

34. The Panel also considered the incontrovertible evidence contained in over 33,000 WhatsApp messages exchanged between PC A and PS X between the 25 May 2023 and 8 October 2023. The Panel found that PC A and PS X exchanged messages on most days during that period, that the messages were initiated by both PC A and PS X in roughly equal measure and that both officers sent messages which were flirtatious and overtly sexual to each other. The tone of many of the messages was jovial with numerous “smiley face” emojis and a range of personal topics were discussed. The Panel therefore concluded that the messages did not provide any evidence of a power imbalance in the personal/sexual relationship between PC A and PS X.

35. The Panel noted the following inconsistencies between PC A’s account and the WhatsApp messages:

- i. PC A states that the first message that she received from PS X on her personal mobile phone was on the 9 May 2023 and that it read: “*I hate these private numbers that keep calling me. Any idea who it is??*”. She also describes being shocked and surprised to receive this message. The WhatsApp Messages show that this message was sent on the 25 May 2023 and that it was not the first message exchanged between PC A and PS X. The message is followed by two “laughing” emojis. The screen shot of the message shows that PS X had been using the “disappearing messages” function which deletes all messages after 7 days and that he has now switched off that function. PC A responds, “You turned it off disappearing messages” “You got trust in me”.
- ii. PC A describes feeling uncomfortable about PS X inviting himself to join her PC C and their children in Hyde Park on 3 June 2023. This account is not

supported by the messages on the 3 June 2023 which read as follows:

- PS X 13:55 *“What’s the plan with [PC C]?”*
- PC A13:58 *“Hyde Park with kids”*
- PS X 14:02 *“I would have said I’ll pop by and say hi, its not far from me...But it’s probably better I see you properly first before [PC C] is thinking wtf is he doing here. (laughing/smiley emoji)*
- PC A14:07 *Four laughing/smiley emojis*
“You can join”
“If you want to” – laughing/smiley face emoji
“Kids would have more questions probably” laughing/smiley emoji
- PS X 14:14 *“I’m a colleague”*
“Should I”
“Would be good to get out of the house”
- PC A 14:37 *“Yeah we just met”*
“You can always join”
- PS X 14:44 *“Alright I’ll come”*
“I’ll probably be at Hyde park corner station at half 3 and then I’ll call to see where you guys are”

iii. PC A states that she first received a sexually explicit WhatsApp message from PS X while she was holiday in Majorca at the end of May 2023. She states that this was a shock because she had only known him for about two weeks and he was effectively my boss. She also states that she felt uncomfortable to receive this kind of sexual message because he was her sergeant: *“I worked with-I didn’t know him personally-just at work-and I never alluded to him that I wanted any relationship with him”*. This account is inconsistent with her description of her relationship in the message to PS X on 8 October 2023 in which they are discussing her relationship with a different male she states:

“You are so wrong it’s unbelievable. I didn’t get bored of him and that’s why I left him. He was nothing than good to me. I went to him

yes because I thought at that time it was a good move, which wasn't. I didn't leave him because he wasn't good enough. I left him because you was in my head and I couldn't ignore it. I made the choice and I accepted its you and no one else. I did say stuff I didn't mean it and I told you that before. Don't tell me I only picked you cos I was bored. This is not true at all. I took my time to get to know you. I took my time to let you see me, real me who I am. The real me is super caring and super relaxed and she only sees one person. I would never go out of my way to hurt you. I would never go out of my way to be the 3rd person in someone's relationship. I did that because I wanted you and I was blinded. I liked how you made me feel. I don't go out a lot. I don't like it. I am actually home stay person. I wanted to go out with you but couldn't cos you had someone. I patiently waited for you to follow your heart and make the decision which will make you happy. You chose her... You say ur not the problem why I feel the way I feel.

Your not. It's my own fault I fell in love with you this dee. It's my own fault I blame myself for everything I did and all the messed ups. I am paying the price and I don't blame you for it. I don't walk around people and speak bad about you.

I am trying to forgive myself of everything I did. I got a long way to go. I feel guilty for you and her. Not once I said you are the fault why I feel this way.

I am a human and I got feelings and I got heart. I am working on myself and I don't want to loose myself. I cried my eyes out already. Now I am starting to accept I wasn't good enough for you and I made mistakes. I have to live with it and not you. Again it's all on me. I have to come to work and hear about you and PC B. Again I have to live with it and not you. I have to see you like her more each day and I have to watch it.

Even the strongest get broken and I am strong.

I am in love with you but that won't take me anywhere.

THIS IS MY OWN FAULT AND I HAVE TO LIVE WITH IT. I don't speak about you and I don't blame you for anything."

36. In determining these allegations of fact, the Panel reminded itself that the burden of proof rests solely on the AA and that in cases such as these that rely on one person's word against the other it is necessary to look for independent sources of evidence that may provide support for one account over the other. The AA rely solely on the account of PC A to prove that there was a power imbalance in the personal relationship between PS X and PC A and that PS X used that power imbalance to initiate a sexual relationship with PC A. For the reasons detailed above, the Panel found that the reliability of PC A's account was significantly undermined by the inconsistencies between her account and the incontrovertible content of the WhatsApp messages and to a lesser degree by the evidence of PC C who describes PC A as enjoying the attention from PS X and PS X trying to get close to her (PC C) so that he could pursue a more serious relationship with PC A. The Panel therefore concluded that the AA had failed to satisfy the burden of proof and found these disputed allegations of fact not proved.

ALLEGATION 3

37. PS X accepts the entirety of this allegation on the basis that his relationship with PC A could have been perceived to have created a conflict of interest. In oral evidence PS X also accepted that he was fully aware of the College of Policing guidance on Appropriate personal relationships and behaviours in the workplace (Appropriate relationships guidance) and his responsibilities as a Police Sergeant to declare such personal relationships. The Panel, therefore, found this allegation of fact proved by way of admission.

ALLEGATION 5

38. The AA rely on the evidence of PC A, PC C, DC Laver and the incontrovertible content of the WhatsApp Messages between PC A and PS X on 8 October 2023 to prove this allegation of fact. The Panel found this allegation of fact proved in its entirety on the balance of probabilities for the reasons detailed below.

39. In her statement dated 1 November 2023 PC A states that on 8 October 2023 at approximately 10.21 she blocked PS X on WhatsApp; she wanted him to leave her alone

completely and never wanted to speak to him again. She states that shortly after she blocked PS X, she received two calls from him, she did not answer the first call, but she did answer the second call and told PS X to leave her alone and not to contact her again. PS X called her again approximately a minute later she describes answering the call and telling him again to leave her alone and recounts feeling really stressed and upset during this short conversation. Her statement continues:

“On 8th of OCTOBER, 2023 PS X called me again at 10:26hrs and this conversation lasted for 2 minutes. When I answered the phone he said to me he doesn't have much time and he completely ignored my previous wishes to leave me alone. I was really upset and I was crying during this conversation. I told him multiple times to leave me alone and stop contacting me. He completely ignored what I said he asked me to promise I won't say anything. I was crying and I raised my voice when I told him I am at home with my daughter and I don't want her to see me getting this upset and he needs to leave me alone. I raised my voice and I told him he doesn't care if I don't feel good and he plays with my mental health and enough is enough. During this 2 minutes conversation I asked him multiple times to leave me alone and stop contacting me. He showed no empathy and he ignored everything I said and he just wanted to make sure I won't say anything and I will stay quiet. I ended up this conversation I then blocked him on general number too.”

40. PC A states that she received two further calls at 11:56 and 11:57 with no caller ID which she did not answer because *“she knew it was him (PS X) calling”* PC A states that her colleague PC C also informed her that PS X had contacted her on multiple occasions asking PC C to contact PC A on his behalf.

41. In her statement dated 13 October 2023 PC C states:

“By SUNDAY 8th OCTOBER 2023, I was told PC A and PS X had been arguing. PC A sent me a screenshot of a very long message she had written to him. The message had included her insinuating that she would tell his girlfriend. I messaged PS X myself I told him to stop contacting her as he had been making the situation

worse. PC A ended up blocking him and he then called her a couple of times on private number until she answered. She told me he asked her to not tell his girlfriend and then hung up. PS X went on to asking me to tell PC A to unblock him. I specifically told him I wouldn't. I told him that if I were in her shoes, I'd tell his girlfriend too. PS X went onto asking me what that would achieve and asked me to tell PC A to unblock him again so that he can apologise. I told him to wait it out and apologise another time as PC A was crying hysterically.”

42. DC Laver analysed the mobile phones of PC A and PS X as part of the criminal investigation against PS X which was subsequently not proceeded with. Her analysis found that PS X had called PC A on ten occasions between 10:24 and 11:57 on the 8 October 2023. DC Laver states that there were no reciprocal calls from PC A to PS X during that period which “suggests that the contact was unwanted” and is consistent with PC A’s allegations.

43. As referenced above on 8 October 2023 PC A sent PS X a lengthy WhatsApp message acknowledging that he was now in a relationship with PC B and that she accepted his choice. This is by far the longest and most detailed message from PC A to PS X. PS X responds to the message stating amongst other things that neither of them has anything to gain by anyone knowing about their relationship the message continues:

“If I know you, then you will probably ruin everything for me in my happiest moment, but please prove me wrong. Just like how I didn’t tell people that I was seeing you at the time, because you really wanted it to be a secret, I trust you will do the same”.

44. PC A responds indicating that she just wants PS X to leave her alone, and that she won’t say anything. After another short message exchange PC A states: *“I won’t say anything”, “I need to block you and can’t talk to anyone”*. PS X responds stating that he doesn’t believe PC A to which she responds:

“I am sobbing again and you hurt me one more time”

“Don’t worry about me. Take care”

45. PS X sends PC A one more final message which PC A does not respond to.

46. In his regulation 31 response PS X admitted that PC A had made it clear that she did not want to be contacted by him. In respect of unwanted contact, he admitted the allegation of fact to the extent evidenced by the phone calls and admits asking to be unblocked. He does not accept that in the overall context that this behaviour was persistent to the extent of being misconduct. He also asserts that reasonable members of the public would excuse any degree of persistence falling short of malice/unreasonable behaviour in all the circumstances.
47. In oral evidence PS X stated that he continued to contact PC A because she had blocked and unblocked him on numerous occasions before, and he directed the Panel to examples of when this had happened in the past. He stated that although there were several calls, they were part of a single incident as they had occurred over a very short period. He did not attempt to contact PC A again on the days between the 8 October and his interview on the 25 October, he also did not attempt to visit her home even though he still had the keys to her home.

Panel findings

48. The Panel found that PC A's messages to PS X clearly conveyed to PS X that she did not want to be contacted by him and noted that PS X had also accepted that this was the case in his Regulation 31 response. The Panel also found that the telephone analysis of PS X's mobile phone calls on the 8 October provided incontrovertible evidence that PS X had made several attempts to message and call PC A after 10:20 am when she had made it clear to him that she did not want to be contacted and that she was going to block him. Further, the Panel had regard to evidence of PC C and noted that PS X accepted that he had contacted PC C to contact PC A on his behalf to get him 'unblocked'. The Panel therefore concluded that the entirety of this allegation of fact was proved on the balance of probabilities.

BREACH OF STANDARDS

49. Having found allegation of fact 3 and 5 proved, the Panel went on to consider whether the professional standards of conduct had been breached as alleged. The AA alleges that PS X's conduct breaches the professional standards of:

Authority, Respect and Courtesy

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

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

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.”

50. In his regulation 31 response PS X accepts that his conduct in respect of allegation 3 breached the professional standards of conduct alleged. The Panel found that by not declaring his sexual relationship with a police constable for whom he had supervisory responsibility, was behaviour that clearly breached the standard of discreditable conduct.
51. The Panel also found that by persisting in his attempts to contact PC A when she was clearly upset and had made it clear that she did not wish to be contacted by him also breached the standard of Authority, Respect and Courtesy.

MISCONDUCT/GROSS MISCONDUCT

52. Having found the breaches of the standards as set out above proved, the Panel carefully considered whether the breaches amount to gross misconduct, misconduct or neither. Misconduct is defined in the Regulations as meaning a breach of the standards of professional conduct that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional conduct that is so serious as to justify dismissal. The Panel reminded itself of the circumstances of this case, the breaches of the standards found proved, 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.

53. In assessing the seriousness of PS X's conduct, the Panel had regard to the outcome guidance which provides that Panel's should assess the seriousness of the proven conduct by reference to the officer's culpability for the misconduct, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigating factors.
54. In respect of allegation 3 the Panel determined that PS X was fully culpable for his actions, he confirmed in oral evidence that he was fully aware of the Appropriate relationships guidance and that he made a conscious decision not to declare his relationship with PC A. The fact that PC A may have agreed with his decision not to disclose their relationship does not in the opinion of the Panel diminish his culpability for his actions. The Panel found that PS X was also fully culpable for his actions in respect of allegation 5, he chose to continue to attempt to contact PC A for his own personal reasons; namely to persuade her not to disclose their relationship so that he could protect his career and his relationship with PC B. The Panel therefore concluded that PS X's level of culpability was high.
55. In respect of harm, although PC A was clearly emotionally upset on the 8 October 2023, it was unclear to the Panel whether the emotional distress that she suffered was as a consequence of being contacted when she did not want to be or whether it was because PS X had chosen to pursue his relationship with PC B. The Panel, therefore, concluded that the level of any actual harm was minimal. The Panel concluded that the risk of reputational harm was high in respect of allegation 3 and allegation 5. The public would rightly be appalled to discover that police officers who are tasked with upholding the law of the land, were themselves failing to comply with important policies aimed at maintaining high standards in policing. In respect of allegation 5 PS X's behaviour arises from a personal relationship, although his behaviour did not reach the criminal standard of harassment it was unwanted behaviour; at this time of heightened national concern about domestic abuse in the police service his conduct would cause significant reputational harm to the police service if it became known.
56. The Panel concluded that the level of seriousness is high and that the standards of professional behaviour have been breached to the level of Gross Misconduct.

PANEL FINDINGS ON OUTCOME

57. In determining the appropriate and proportionate sanction, the Panel has had regard to PS X's service record, the character reference produced by him, the facts admitted and found proved, the submissions made on behalf of Counsel for the AA and PS X and the legal advice received from the LQA. The Panel applied the three-stage procedure set out in the guidance. The Panel assessed the seriousness of the misconduct, keeping in mind the purpose of imposing sanctions and chose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Seriousness of the misconduct

58. In assessing the seriousness of the misconduct, the Panel has considered:

- i. The officer's culpability for the misconduct.
- ii. The harm caused by the misconduct.
- iii. The existence of any aggravating factors.
- iv. The existence of any mitigating factors.

59. For the reasons detailed above the Panel found that PS X's culpability and the risk of reputational harm in this case is high.

60. The Panel considered the following to be aggravating factors in this case:

- There is a breach of more than one standard
- Leadership responsibility where there is an expectation of acting as a role model

61. In respect of mitigating factors, the Panel was cognisant of the outcome guidance at 4.79 in respect of mitigating factors, being careful not to conflate mitigation that goes to conduct and personal mitigation. The Panel noted the following:

- Early admission in respect of allegation 3
- Insight into the impact of his failure to declare his relationship with PC A
- The unwanted messaging occurred over a very short period of time, and in the context of relationship in which PS X had been blocked and unblocked by PC A on more than 5 occasions.

62. In respect of personal mitigation, the Panel noted the positive character references submitted on behalf of PS X; however, in accordance with the guidance the Panel could only give this little weight in all the circumstances of this case.

Purpose of the Sanction

63. The Panel kept in mind at all times the threefold purpose of imposing sanctions, namely: (a) maintenance of public confidence in and the reputation of the police service; (b) upholding high standards in policing and deterring misconduct; (c) protection of the public. Of these, the maintenance of public confidence in and the reputation of the police service is paramount.

Choosing the most appropriate sanction

64. The Panel had careful regard to the purpose of outcomes and that they are not intended primarily to be punitive. The Panel also had regard to the need for outcomes to be proportionate. In line with the guidance at 7.4, the Panel considered the least severe outcome first.

65. The Panel noted that persistently trying to contact an ex-partner after they had made it clear that they did not want to be contacted is the type of behaviour that would normally result in dismissal; however, the Panel had regard to the particular circumstances of this case and the mitigating factors, namely that the attempts at

contact had been over a short period of time and in the context of relationship in which PS X and PC A had exchanged over 33,000 messages in the course of several months, and during which time PC A had blocked and unblocked PS X on more than 5 occasions.

66. In respect of PS X's failure to declare his relationship with PC A in accordance with the relationships at work guidance. The Panel noted that workplace relationships between officers of different rank are not forbidden and that the purpose of guidance is to make the forces expectations clear to all individuals within the policing community and thereby uphold policing standards. In this case it was clear that no actual conflict of interest existed and that whilst on duty PS X performed his supervisory duties professionally and without favour.
67. In light of the above the Panel determined that the imposition of Final Written Warning for a period of 2 years would address the seriousness of the conduct found proved, demonstrate to others that behaviour of this nature is not acceptable and maintain public confidence in the police service.
68. The chair directed that the contents of the WhatsApp messages should be redacted in any public facing reports in order to protect both Officer X and PC A from disproportionate intrusion into a private matter.