

**Accelerated Misconduct Hearing of Detective Sergeant Scott Roberts P234461**

**held on 13<sup>th</sup> May 2025**

***Preliminary legal arguments***

1. At the outset, Mr Bonehill submitted, Counsel for the DS Roberts, in line with DS Roberts' Regulation 54 response, that this matter should not be determined as an AMH. This is on the basis of, whilst he accepts that he posted the messages that are the subject of these proceedings, this case cannot be heard fairly unless Complainant A gives evidence. DS Roberts avers that Complainant A has lied repeatedly over 6 years, making 30 allegations against him. It is suggested that she has removed these screenshots from context, amounting to presenting only half the evidence. There is a need for a fair hearing for the Officer. The evidence exists, and reversion would allow for further investigation, and the Complainant A to be cross-examined.
2. Ms Shah, Counsel for the AA, submitted that DS Roberts accepts that he sent these messages in his Regulation 54 response, and the matter for the Chair to determine will be DS Roberts' explanation as to the context of these messages. She submits that the matter remains properly certified and the special conditions remain met. He accepts that he sent the messages, which are of a derogatory, racist and defamatory nature. He admits that message 4 amounts to misconduct. She submitted that there is sufficient evidence for me to make a determination on whether the Standards of Professional Behaviour have been breached in sending of these messages. DS Roberts will provide the context.
3. Per Regulation 49(5), if the AA determines that the special conditions are not satisfied, or that, although they are satisfied, the circumstances are such as to make certification inappropriate, it must proceed in accordance with Part 4 (reverting to a Misconduct Hearing).

4. I am satisfied that the AA have appropriately certified this case, such that the special conditions are met, and I am not persuaded that there are circumstances that make certification inappropriate. This case is focussed on text messages that were sent (and admitted as sent) by DS Roberts. DS Roberts can provide the context in which these messages were sent. I do not agree that Complainant A needs to give evidence; ultimately, it is DS Roberts' explanation that can provide context, and not Complainant A's. I do not consider that DS Roberts' relationship with Complainant A is a matter in issue.

## Introduction

5. I have had the benefit of the papers in advance of today and read them carefully before the hearing started. I am satisfied that all the required notices under the Police (Conduct) Regulations 2020 have been served: matters which have not, in any case, been disputed before me.
6. I have listened to the case presented on behalf of the Appropriate Authority by Ms Shah of Counsel. DS Roberts has provided a Regulation 54 response to the allegations, and he is represented by Mr Bonehill of Counsel.
7. The allegation against DS Roberts is as follows:

“

*It is alleged that you, DS Roberts, sent the following offensive and discriminatory WhatsApp messages on a group chat of Army Reservist colleagues;*

*i) On the 16th June 2017 you sent a message containing a photograph of a Nazi poster with the remarks: 'Get it up in the office'.*

*ii) You sent a message mocking the rape of an 8-year-old girl which stated: 'Our team have dealt with a 15-year-old lad who has orally raped his 8-year-old sister. One of the girls said, 'Oh my god that's disgusting'. Naturally my guard was lowered and I said, 'Why? Is she fat'? Turns out she was not happy with my question.'*

*iii) You sent a discriminatory message stating, 'You mean I'd be a nig[REDACTED] bashing imperialist...Yes?'*

*iv) In reference to the female complainant, you sent a message stating: 'Sexually assaults her = rapist. Doesn't sexually assault her = racist.'*

*In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:*

*i. Discreditable Conduct*

*ii. Equality and Diversity*

*iii. Authority, Respect and Courtesy*

*In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.*

*As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct, and your dismissal may be justified.*

*“*

8. Mr Bonehill explained that DS Roberts sent all messages, but denied that any of these messages constituted gross misconduct. Message 4 should be categorised as misconduct, not gross misconduct.

### ***Factual Background***

9. I understand that the burden of proving the facts rests at all times on the AA, and the standard of proof is on a balance of probabilities.

10. The matter arises out of a complaint made by Complainant A. Attention was drawn to four messages sent by DS Roberts in a WhatsApp group named 'G COY NCO's'.

*On the 16th June 2017 you sent a message containing a photograph of a Nazi poster with the remarks: 'Get it up in the office'*

11. DS Roberts agrees that he took a picture of the poster and sent it to Witness A, who has made similar jokes in the past and he believed had been responsible for making the poster. DS Roberts messages 'Get it up in the office', to which Witness A responds, 'Will do!'.
12. For the AA, Ms Shah submitted that DS Roberts' explanation that he instigated this exchange with a view of dealing with it away from the chain of command is illogical. There was no good reason for him to share this poster; he could have simply removed it from his locker and thrown it away. DS Roberts' tone of messaging suggests that he found the contents to be funny. DS Roberts then encouraged Witness A to hang the offensive poster up to be displayed publicly.
13. The AA submitted that this conduct amounts to a breach of the Standards of Professional Behaviour of discreditable conduct, equality and diversity, authority, respect and courtesy.
14. DS Roberts gave evidence. I explained that it was a pseudo nazi poster, and he had said "Get it up in the office" so he could reprimand whoever had put it up, or alternatively, to deal with it informally in the changing room. Mr Bonehill submitted that this is the context in which the screenshot took place.

*You sent a message mocking the rape of an 8-year-old girl which stated: 'Our team have dealt with a 15-year-old lad who has orally raped his 8-year-old sister. One of the girls said, 'Oh my god that's disgusting'. Naturally my guard was lowered and I said, 'Why? Is she fat'? Turns out she was not happy with my question.'*

15. DS Roberts agrees he sent the message to the group chat. He gave evidence to say that he was repeating an offensive joke made by the comedian Jimmy Carr and that the message did not provide the wider context and everyone was aware of the context.
16. Ms Shah submitted that the wider messages do not provide any such context or references going back to Jimmy Carr. She submitted that even if DS Roberts was relaying a joke from a comedian, he should have known that the nature of this message is highly offensive. His actions instigated and appeared to have

positively encouraged an unbecoming, cruel exchange between him and his colleagues.

17. Ms Shah submitted that this conduct amounts to a breach of the Standards of Professional Behaviour of discreditable conduct, equality and diversity, authority, respect and courtesy.

18. In his evidence, DS Roberts explained that this was a joke directly relayed from Jimmy Carr from when he had seen him live, and that the phrase “our team” had been a direct quote from Jimmy Carr. He reiterated that he had never dealt with child sexual assault or RASSO offences.

19. Mr Bonehill stressed that it is difficult to understand this message without seeing the message before.

*You sent a discriminatory message stating, ‘You mean I’d be a nig[REDACTED] bashing imperialist...Yes?’*

20. In his evidence, DS Roberts accepted sending this text, but stressed that that this message is a quote from material he had given a lesson on. He stressed that there were quotation marks used, and the name attributed for that very reason. He said that he had been impressed with his lesson and had shared the link. He was letting people know what was said so as to avoid anyone playing the video in public, for instance. He did not mean to cause any alarm or distress.

21. Ms Shah submitted that even if DS Roberts was quoting material, he should have refrained from responding in a group chat using a racial slur. It is inappropriate to use the N word in any circumstance.

22. DS Roberts avers he’d already given attendees a warning during the lesson about the use of such language before the video was played. Ms Shah submitted that it is inconceivable that DS Roberts did not realise the impact it may have for him to casually quote such language in a group chat. There is no good reason for DS Roberts to have quoted such offensive language.

23. Ms Shah submitted that this conduct amounts to a breach of the Standards of Professional Behaviour of discreditable conduct, equality and diversity, authority, respect and courtesy.

*In reference to the female complainant, you sent a message stating: 'Sexually assaults her = rapist. Doesn't sexually assault her = racist.'*

24. In his evidence, and advanced in submissions by Mr Bonehil, DS Roberts accepts having sent this message and that this could amount to misconduct. He noted that, after reflection he would not make the same comment now especially as a 40-year-old father. This is the case after knowing what he knows now as a result of the military investigation regarding Complainant A's mental health and multiple complaints. He said the message was based on his own dealings with Complainant A, who he was briefly in command of during his time serving.

25. It is clear that DS Roberts appears to have an acrimonious relationship with Complainant A. Ms Shah submitted that this is not the matter in issue. The issue is that DS Roberts used language that is grossly offensive and could be considered threatening in a group chat. The message was clearly designed to humiliate and offend Complainant A.

26. Ms Shah submitted that this conduct amounts to a breach of the Standards of Professional Behaviour of discreditable conduct, equality and diversity, authority, respect and courtesy.

#### Misconduct and gross misconduct

27. I have to consider whether I am sufficiently satisfied to make a finding, on the balance of probabilities, of misconduct or gross misconduct. Misconduct is defined as a breach of the Standards of Professional Behaviour and Gross

Misconduct is defined as a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

28. I address each aspect in turn:

*On the 16th June 2017 you sent a message containing a photograph of a Nazi poster with the remarks: 'Get it up in the office'*

29. DS Roberts sent this message. I am satisfied that this was a Nazi caricature, even though the letters and address had been changed.

30. I also am satisfied on the balance of probabilities that the messages demonstrated enthusiasm rather than a threat of reprimand. I consider that these messages demonstrate a joke, with DS Roberts asking for it to be displayed more prominently. This is demonstrated by the enthusiasm of Witness A's message "Will do!" and the absence of any reprimanding or challenging language sent by DS Roberts.

31. I find that the poster could have been simply destroyed when DS Roberts took the photo. I also find that, if this was so reprehensible, DS Roberts would have challenged Witness A over WhatsApp, and failed to do so,

32. I am satisfied on a balance of probabilities that the messages amount to gross misconduct.

*You sent a message mocking the rape of an 8-year-old girl which stated: 'Our team have dealt with a 15-year-old lad who has orally raped his 8-year-old sister. One of the girls said, 'Oh my god that's disgusting'. Naturally my guard was lowered and I said, 'Why? Is she fat'? Turns out she was not happy with my question.'*

33. I have considered this message. I am not satisfied that there is any context in that chat to suggest that this was a quote from Jimmy Carr. The phrase "our team" was of particular concern to me, as it appears to suggest that this was from DS Robert's own experience.

34. I also consider that if DS Roberts was relaying a joke from a comedian, he should have known that the nature of this message is highly offensive. That is ultimately Jimmy Carr's "selling point". I do consider that his actions instigated a cruel exchange between him and his colleagues.

35. I am satisfied on a balance of probabilities that this message amounts to gross misconduct.

*You sent a discriminatory message stating, 'You mean I'd be a nig[REDACTED] bashing imperialist... Yes?'*

36. I understand that this is a quote from a training video. That being said, it is simply unacceptable to use the "N" word in any circumstance. I do not find DS Robert's explanation credible that he needed to quote this phrase, given that he had supposedly already shared the video. A trigger warning could have been given by simply stating "there is archaic language used", rather than engaging in an exchange of directly quoting the most egregious examples.

37. I do consider that DS Roberts must have understood the impact that using the N word would have.

38. I am satisfied on a balance of probabilities that this message amounts to gross misconduct.

*In reference to the female complainant, you sent a message stating: 'Sexually assaults her = rapist. Doesn't sexually assault her = racist.'*

39. DS Roberts accepts sending this message and accepts it to be misconduct. I consider this message particularly concerning; DS Roberts sent this grossly offensive message, which was clearly designed to humiliate and offend Complainant A, to a group chat of junior NCOs. Having managed Complainant A himself, I find this to be particularly concerning behaviour and falls far short of the Standards of Professional Behaviour.

40. I am satisfied that this message amount to gross misconduct.

41. On the evidence presented, I am wholly satisfied that DS Roberts has breached the Standards of Professional Behaviour as set out in Schedule 2 to the *Police (Conduct) Regulations 2020* in relation to all allegations. In particular, I conclude that DS Roberts breached the Standards of Professional Behaviour in that:

- i. **Discreditable conduct:** DS Roberts acted in a manner which discredited the police service and/or undermined public confidence by sending racist, sexist and other discriminatory remarks, and endorsed the placing of offensive material in the office.
- ii. **Authority, Respect and Courtesy:** Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. DS Roberts' messages demonstrate both a lack of self-control and tolerance towards women and BAME people. I consider that these messages demonstrate an abuse of DS Roberts' authority.
- iii. **Equality and Diversity:** Police officers act with fairness and impartiality. DS Roberts has overtly disregarded his duty to act with equality and diversity.

42. Consequently, I find the matter of discreditable conduct proven at the severity of gross misconduct.

## Outcome Decision

43. Following the College of Policing Guidance on Outcomes, I adopt a three-staged approach in order to determine the appropriate sanction. I only consider this in relation to the allegations found proven in these proceedings – I do not take into account any other ongoing proceedings, nor do I know any details of them.

44. The first stage is to assess the seriousness of the conduct. This is assessed by reference to:

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

45. The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements:

- i. To maintain public confidence in and the reputation of the police service;
- ii. To uphold high standards and deter misconduct; and
- iii. To protect the public.

46. I further remind myself that the police misconduct regime is not designed to punish police officers - it is about the reputation and standing of the profession as a whole.

47. The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question.

48. In doing so, I remind myself that each case must be considered and determined on its own merits. In adopting the three-staged approach outlined above, I bear in mind DS Roberts' record of service.

## Stage 1: the seriousness of the conduct

### *Culpability*

49. In considering DS Roberts' culpability, I consider that this was intentional and deliberate behaviour. DS Roberts should have been fully aware of the grossly offensive, discriminatory and derogatory content of the messages he sent.

50. He also sent the most egregious message, regarding someone formerly under his command, in a group chat of junior NCOs, all of whom would have been Complainant A's superiors.

51. Accordingly, I find culpability at a high level.

### *Harm*

52. As per 4.66 of the Guidance, "harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account". I consider that all of DS Robert's actions would undermine confidence in the MPS; using racist, sexist and inflammatory language when communicating with colleagues and referring to colleagues does not accord with the standards expected of him as a serving police officer.

53. I consider that there has been direct harm, as demonstrated by Complainant A's witness account, where she described the messages sent by DS Roberts as being profoundly distressing, and demonstrate a hostile, racist and misogynistic environment. This was particularly acute as those in the group chat were her superior officers.

54. Moreover, there is a substantial risk of reputational harm should the public become aware of the circumstances of these incidents. It would undermine public confidence in DS Roberts' decision-making and policing.

55. Moreover, violence against women, girls and children made light of 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.

56. Accordingly, I consider the harm to be high level.

#### *Aggravating factors*

57. I do consider that these matters are aggravated by how DS Roberts had a leadership responsibility, where there is an expectation of acting as a role model. I also consider there being multiple breaches of the Standards of Professional Behaviour as further aggravation.

#### *Mitigating Factors*

58. I accept that DS Robert has admitted his behaviour was a breach of the standards of professional behaviour for at least the last allegation. He has always accepted that he sent those messages.

59. I note DS Roberts' extensive and impressive history of service and commendations. However, in these proceedings, personal mitigation is less relevant than in a criminal trial, and is dependent upon the extent to which the DS Roberts' misconduct threatens public confidence.

#### Stage 2: the purpose of the misconduct regime

60. I have reminded myself of the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case, and I am satisfied that all elements are engaged in my considerations.

### Stage 3: the appropriate outcome

61. It is entirely unacceptable for police officers to engage in the use of derogatory, sexist and racist language, even within a private WhatsApp group. The use of such language demonstrates an attitude that is incompatible with the MPS, and undermines public trust and confidence in policing as well as our reputation. The public could have no confidence in DS Roberts to act with due respect to protect them.
  
62. The gravity of DS Roberts' behaviour means that I do not consider any sanction less than dismissal without notice is justified. All three elements of the police misconduct regime are engaged in this case.
  
63. A lesser outcome would not serve to mark the seriousness of his misconduct, deter others from similar misconduct and fulfil the purpose of the police misconduct regime.
  
64. Therefore, the only outcome I consider appropriate is dismissal without notice.

**OUTCOME:** Dismissal without notice and placed on the College of Policing Barred List

**Andy Brittain**

Commander

13<sup>th</sup> May 2026