

Accelerated Misconduct Hearing Finding and Outcome

Officer Name: PC James Brown

Warrant no: P260438

Date of Hearing: 7 November 2024

**Alleged Standards Breached: Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020
namely:**

Discreditable conduct

Orders and Instructions

Authority, Respect and Courtesy

Finding

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.

This hearing was held in private

Representations and service:

I have listened to the case presented on behalf of the Appropriate Authority by Shane Hanna

The allegations against PC Brown are that on 18 May 2024, PC Brown attended and reported on a non-crime domestic. At the time, PC Brown was under Integrity Assurance Unit restrictions NOT to have involvement with any investigations concerning safeguarding and public protection. PC Brown remained as an OIC on the CONNECT file and contacted the victim twice. Despite restrictions, PC Brown inappropriately contacted the victim on WhatsApp and engaged in a relationship with her, as can be seen from telephone records. PC Brown also admitted to [REDACTED] that he met the victim the following day in person.

The WhatsApp messages also show a sexual relationship ensued between PC Brown and the victim. When PC Brown was informed that he was subject to misconduct for this behaviour, he actively encouraged the victim to delete the messages and not engage with Police regarding an investigation.

This breached the *Standards of Professional behaviour* under Regulation 5 and Schedule 2 to the Regulations, specifically those of:

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Brief Circumstances:

PC Brown engaged in an inappropriate sexual relationship with a vulnerable victim, despite being under IAU restrictions not to have involvement with any investigations concerning safeguarding and public protection. When discovered he actively encouraged the victim to delete the messages and not engage with Police regarding an investigation.

The main issue of fact which I have to decide is whether the AA has proved on a balance of probabilities that PC Brown has committed gross misconduct. No representations have been submitted on the officer's behalf.

Having heard the evidence presented on behalf of the AA I am satisfied that PC Brown has breached the Standards of Professional Behaviour. My reasons for this are as follows:

PC Brown has clearly knowingly entered into a sexual relationship with a female who he knew had been the victim of a non-crime domestic incident

PC Brown was already subject to a written warning for the same behaviour and restrictions set by the Integrity Assurance Unit

PC Brown has not accepted responsibility for his actions or that his actions were wrong

When his behaviour was discovered, PC Brown sought to cover up the matter and asked the female to delete messages between them.

I must determine whether the admitted conduct did breach the standards of Discreditable conduct, Orders and Instructions, Authority, Respect and Courtesy. I find that it did.

I bear in mind that the burden of proving this rests upon the AA and that it must satisfy me on the balance of probabilities. I am satisfied the AA has discharged that burden.

I have reminded myself that gross misconduct is a breach of the *Standards of Professional Behaviour* so serious that dismissal would be justified. Applying that definition, I am satisfied that PC Brown's breaches of the standards do amount to gross misconduct.

I therefore formally find that PC Brown did breach the standards of discreditable conduct, with each of those breaches so serious that it could justify dismissal. Accordingly, I find that the behaviour does amount to gross misconduct for

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I have reminded myself that gross misconduct is a breach of the *Standards of Professional Behaviour* so serious that dismissal would be justified. Applying that definition, I am satisfied that PC Brown's behaviour does amount to gross misconduct.

Outcome Decision

In making my decision on outcome I adopt the three stage process, as outlined in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

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

The officer's culpability,

The harm caused by the misconduct
The existence of aggravating factors
The existence of mitigating factors.

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

To maintain public confidence in and the reputation of the police service,
To uphold high standards and deter misconduct, and
To protect the public

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.

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

In adopting the three-staged approach outlined above, I bear in mind PC Browns record of service.

I start by assessing the seriousness of the conduct

Stage 1: the seriousness of the conduct

Culpability

PC Brown was responsible for his own actions, and this was a personal decision.

Having previously received a warning for previous behaviour, he would have been aware that his behaviour was inappropriate and that he was breaching the standards of professional behaviour for police officers as set out in the Code of Ethics.

PC Brown committed intentional and deliberate acts whilst being very much aware of all the work being undertaken by the MPS in relation to both protecting women and girls from violence and improving professional standards within the organisation.

PC Brown was responsible for his own actions and my assessment of the culpability is therefore high.

Harm

PC Brown had:

No regard to the harm it could cause to the public, his colleagues and himself, and the great harm to the public trust and confidence in the MPS, despite this being after a number of high profile public reviews into standards in the MPS.

The public would not expect a serving police officer, whose role it is to uphold the law, to break the law.

In this case, the harm to public confidence is high.

Aggravating factors:

This behaviour is aggravated by the previous written warning for the same conduct and his being under current IAU restrictions.

Mitigating factors:

None were submitted on PC Brown's behalf.

Conclusion on seriousness:

Taking all these matters into consideration, I assess the seriousness of the conduct as high.

Personal Mitigation:

I have considered the officers limited record of service.

I am mindful of the limits to the weight I should attach to personal mitigation as identified in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings and that that the interests of the police service, and the protection of the public, are more important than those of the individual officer.

Stage 2: the purpose of the misconduct regime

I have reminded myself of the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case.

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

I acknowledge the risk that the outcome imposed can have a punitive effect; accordingly, the outcome should be no more than is necessary to satisfy the purpose of the proceedings.

Therefore, in deciding the appropriate outcome I shall consider less severe outcomes before more severe outcomes and shall impose the least severe outcome that deals adequately with the issues identified, while protecting the public interest.

If serving: The outcomes available at the conclusion of an accelerated misconduct hearing upon finding that the conduct amounts to gross misconduct are:

a final written warning

a reduction in rank

dismissal without notice

Stage 3: the appropriate outcome

I have considered whether a final written warning, or indeed a reduction in rank, would be an appropriate sanction in this case, but owing to the fact that PC Brown is a PC, he cannot be reduced in rank.

I considered whether a final written warning would be consistent with the public interest. In my view it would not.

It is entirely unacceptable for police officers who are responsible for enforcing the law, to break the law themselves. Doing so undermines public trust and confidence in policing as well as the reputation of the MPS. The public could not have confidence in PC Brown to protect them or others.

A lesser outcome would not serve to mark the seriousness of this misconduct or deter others from similar misconduct and fulfils the purpose of the police misconduct regime.

In coming to my decision on outcome I have read and considered the officer's record of service. I have considered the matter fully, including the nature and severity of the breaches of the Standards of Professional Behaviour.

The gravity of PC Brown's behaviour means that I do not consider that any sanction less than dismissal without notice is justified. As such, my decision is that PC Brown should be dismissed without notice

Assistant Commissioner Laurence Taylor

7th November 2024