

Misconduct Hearing of Officer X: Panel Final Decision

Introduction

1. This is the written final decision in respect of the misconduct hearing for Officer X (the Officer). An outline of the Panel's decision was given to the Officer at the conclusion of the hearing.
2. The misconduct hearing was held in public from 25-27 August 2026 at Palestra House, 197 Blackfriars Road, SE1 8NJ. A notice of the hearing was published in accordance with the Police (Conduct) Regulations 2020 ('the 2020 Regulations').
3. The Panel was chaired by former Police Commander Katie Lilburn (Chair), with Ms Rachel Ellis and Ms Janine Ellul as the independent members. The Legally Qualified Adviser to the Panel was Ms Salma Yousef.
4. The Appropriate Authority (AA) was represented by Ms Olive Lycourgou (AA's representative) and the Officer was represented by Ms Campaspe Lloyd-Jacob (Officer's representative). The Officer was also supported by Federation Representative PS Danny Lawrence.
5. At the outset of its determinations, and throughout the hearing, the Panel remained mindful of the overarching purpose of police misconduct proceedings, namely:
 - i. To maintain public confidence in, and the reputation of, the police service;
 - ii. To uphold high standards of professional conduct and deter misconduct;
 - iii. To protect the public

Preliminary matters

Anonymity

6. At the pre-hearing on 29 July 2026, it was determined that the misconduct hearing concerning Officer X would proceed in public.
7. The representative for Officer X made anonymity applications for both him and Person A, based on her vulnerability and to prevent any jigsaw identification, and due to the impact on his family of the previous AMH proceedings.

8. Taking account of Person A's vulnerability, Person A was granted anonymity by way of a cypher. Officer X was also anonymised and given a cypher due to the risk of jigsaw identification.

Special Measures

9. The Chair granted special measures by way of video link attendance and screens for Person A due to her vulnerabilities and to enable her to provide best evidence.

Allegations

10. On the first day of the hearing, the Regulation 30 notice in respect of Officer X was read out, namely:

Allegation 1

On multiple occasions during the relationship, you would shout 'Pak Choi' at Person A. This language was racially discriminatory and/or offensive.

Allegation 2

On one occasion around April or May 2023, you repeatedly screamed 'Pak Choi' at her in the street. This language was racially discriminatory and/or offensive.

Allegation 3

On multiple occasions during the relationship, you would mimic and/or her mother and would use a Chinese accent. This conduct was racially discriminatory and/or offensive towards and/or her mother.

Your actions, or each of them, as set out above were a breach of the Standards of Professional Behaviour, specifically:

- a. Authority, Respect and Courtesy, in that, by your actions as set out above, you failed to treat your colleague with respect and courtesy.

b. Equality and Diversity, in that, by your actions as set out above you failed to act with fairness and impartiality and discriminated unlawfully and/or unfairly against on grounds of race.

c. Discreditable Conduct, in that, by your actions as set out above, you acted inappropriately, and you brought discredit on the police force and/or undermined public confidence in it.

d. Honesty and Integrity, in that, by your actions as set out above you failed to act with integrity.

Your conduct, if proven, is so serious that dismissal could be justified, and your conduct has been assessed as gross misconduct.

11. The Officer made certain admissions in relation to the factual aspects of Allegation 1 and 2 but did not accept that the allegations amounted to a breach of the Standards. He denied Allegation 3. The Officer's response is set out full in his Regulation 31 response.

Background

12. Both Officer X and Person A are serving police officers. They were in a relationship between early 2022 – June 2023. Person A is of Filipino **[mixed]** background. During this relationship Person A states Officer X's humour or 'love language' was to nickname her "Pak Choi".

13. She states that she originally thought it was okay because Officer X was joking with her and she believed he cared for her. Person A explains after the relationship came to an end she looked back at the comments that were said in "banter" and would remember times where Officer X not only called her "Pak Choi" but also would mimic her and use a Chinese accent. Person A believed this was due to her **[heritage]** and her appearance being similar to someone of South-East Asian background.

14. Person A states she never challenged it. This allegation was brought to the DPS's attention while Person A and Officer X were subject to a separate investigation. As part of the statement Person A gave in that investigation, she stated Officer X used these terms and she didn't think much of them until she commenced a new relationship and spoke to her current partner who was allegedly upset with the comments. She stated that she doesn't believe that Officer X is a racist.

Officer's response

15. Officer X gave a detailed Regulation 31 response. He stated in part the phrase “Pak Choi” was used by both him and Person A during their relationship. The term was used in reference to a humorous advert that they had watched, where the vegetable’s name was shouted out in an over-the-top and amusing way. Officer X maintained that it was not racially discriminatory and / or offensive. The term had only been used in private, with no other persons around. He maintained that he never used the term as a nickname and that he did not hear anyone else ever use that term.
16. Officer X accepted that he used the words “Pak Choi” in the presence of Person A, but he was simply replicating the humorous advert. He maintained that it was not a nickname for Person A and was not racially discriminatory and / or offensive. Officer X denied that he would mimic Person A and her mother by using a Chinese accent.

The Panel's Approach

17. The Panel reminded itself of its core responsibilities:
- a. To assess the facts of the case and make findings in relation to each allegation;
 - b. To determine whether those findings amount to a breach of the relevant Standards of Professional Behaviour;
 - c. To decide whether the conduct found proven constitutes misconduct or gross misconduct.
18. In considering the facts, the Panel remained mindful 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.
19. 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.

20. 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, in particular by reference to the documents in the case.

21. The Panel 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).

22. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, the Panel must not speculate about what other evidence there might have been.

23. In reaching its decisions, the Panel considered the purpose and nature of police misconduct proceedings. The aim is not to punish the Officer, but to uphold public confidence in the police service and protect its reputation by ensuring accountability and making clear that improper conduct will not be tolerated.

24. A secondary aim is to affirm and promote high professional standards. A further purpose is to protect the public, the complainant, and police staff by preventing recurrence of similar misconduct. In doing so, the Panel had regard to the principles established in *Bolton v Law Society* [1994] 1 WLR 512; *Chief Constable of Dorset v PAT, Salter (Interested Party)* [2011] EWHC 3366 (Admin); and *R (Williams) v PAT* [2016] EWHC 2708 (Admin).

25. The Panel also considered the relevant regulatory framework and guidance, including:

The Police (Conduct) (Amendment) Regulations 2024 ("the Regulations"), particularly the Standards of Professional Behaviour set out in Schedule 2;

The 2018 Home Office Guidance ("HOG"), with specific reference to Chapter 1, which summarises the Standards;

The definition of misconduct under Regulation 3(1): "a breach of the Standards of Professional Behaviour";

The definition of gross misconduct under Regulation 3(1): “a breach of the Standards of Professional Behaviour so serious that dismissal would be justified”.

26. The Panel listened carefully to all oral evidence and thoroughly reviewed the documentary evidence. It considered the totality of the evidence and submissions. While it does not propose to address every individual point raised, the Panel sets out its principal findings and conclusions.

Evidence

27. The Panel had been provided with the following documents:

- i. Final Bundle for Officer X (including Regulation 30 notice and Regulation 31 response comprising 65 pages
- ii. AA’s opening note comprising 4 pages
- iii. Exhibit CLJ/01 extraction of messages
- iv. One multimedia file
- v. Case law authorities: *Ogbonna v Nursing & Midwifery Council*, *Thorneycroft v Nursing & Midwifery Council*, *El Karout v Nursing & Midwifery Council*

Evidence of Person A

28. Person A stated she had been a police officer with the Metropolitan Police Service for ten and a half years. She confirmed she was in a relationship with Officer X between 2022 and June 2023. She described the relationship as a bit juvenile, in terms of some of the jokes, but at the time she thought it was fine and didn’t challenge them but laughed along. Looking back, she said ‘that stuff is hurtful’, that it was directed at her, about her ethnicity and her mum's ethnicity.

29. In terms of the language used by Officer X, she referred to nicknames ‘like Pak Choi’. She confirmed names were used in public and private and bandied around a lot.

30. She stated ‘I never challenged those. He could not have known I was offended. I was laughing along with it at the time’. She confirmed the jokes were intended at her.

31. She stated she had been out of the relationship for 3 years. She said she had compartmentalised what happened and chosen not to remember. She confirmed she never challenged the behaviour at the time.
32. She also described the impact that the current proceedings (and also her previous proceedings) had on her over the past two years. She referenced fearing a mental breakdown and was emotional whilst giving evidence.
33. She explained a lot was going on in her personal life at the time and said 'He was the only person I had. I didn't want to lose the one person I had'. She stated she never reacted in a way that he would have thought or known that she was offended.
34. In relation to Allegation 2, she stated she couldn't recall where the public place would be where this was said. When referred to the text message history, she said she couldn't specifically recall sending the message and didn't remember the incident. However, she maintained that as it was referenced in a text message, it would have happened. She explained 'it doesn't sound like something I would say in a serious way'. She said it was 'probably a time he shouted it at me, and I brushed it off'.
35. In relation to Allegation 3, she said he would mimic her mother. She confirmed at the time she never said anything about it. She said 'my mum was nothing but pleasant to him' and referred to a meal they all went to at Cote Brasserie. Person A spoke about feeling humiliated that she never said anything to him. She confirmed that 'if I said this is unacceptable, he would have stopped'.
36. Describing what Officer X did, she stated he mimicked speaking with a Chinese accent and on occasion accompanied this by a gesture where he pulled his eyes wider. In terms of when this occurred, she said 'it was happening all the time, so I don't remember where it was done'. She said she never said she wasn't happy and acknowledged 'I have to take responsibility because I never said I was being offended'. Providing context, she said 'people made jokes [redacted] - I've never said anything'.
37. In cross-examination, Person A was asked about her relationship with Officer X. She confirmed he was often working extra shifts. She confirmed she would confide in him; they would both confide with each other about difficulties with their family. She also confirmed the supportiveness extended to practical things like changing shifts so Person

A could take her stepfather to appointments. She confirmed they also supported each other during challenging periods at work.

38. She also confirmed the light-hearted aspects of the relationship; that they took funny pictures and used funny nicknames for each other. It was put to her that there was an occasion when they were watching TV and there was an Aldi advert with flying vegetables which said 'Pak Choi'. Person A said she didn't have any recollection of such a video.
39. It was put to Person A that Officer X never mimicked her mother, either by mimicking a Chinese accent or by pulling his eyes. She confirmed she was 100% certain he did and also mentioned kung fu noises. She stated 'I don't remember the place' but when explaining how he would mimic her, she said he would mimic the way her mum would say [her name]. She said he didn't always do the eye gesture (as an accompaniment to the mimicked accent) and it was not as frequent as the accent mimicking but she confirmed, 'I 100% recall that he did do that'.
40. She said she knew this was unacceptable at the time, saying "when he was doing it, I knew he shouldn't be". But explained that she did not challenge it at the time, so brushed it off as she didn't want to jeopardise the relationship and believed it came from a place of love, that it was just a joke.
41. At the time she accepted the mimicking and laughed along, and it was only when she spoke to her new partner, and saw the hurt on his face that she realised something was wrong and, 'became distressed realising it was not ok'.

Evidence of Officer X

42. Officer X explained his journey and motivation in becoming a police officer and confirmed he had received three commendations. In relation to the earlier proceedings, he said he felt 'disgusted' with his own actions, and it was 'horrible to go through what I said'.
43. In describing his relationship with Person A, he said she was 4 years senior in age and senior in service. He explained some of the challenges in their relationship which

included the fact he worked long shifts, which he took on as he was enthusiastic to achieve.

44. He described the jokey nature of their relationship; that Person A had come from quite a hard relationship, and he wanted to try and make their relationship happy.

45. In relation to Allegation 3, he said he never went for a meal with Person A's mother and did not ever do a fake Chinese accent [redacted]. He accepted he did call Person A [her name] but not in a Chinese accent. He stated he did not gesture making Chinese eyes. He said he would classify someone who does that as uneducated and racist.

46. He accepted he had used the term Pak Choi. Reflecting on this now, he said he found it upsetting to know she was hurt by it, but it never occurred to him that it was a racial slur, and she never showed she was uncomfortable. Explaining how the term was coined, he said they were in Person A's flat, watching television and an advert came on and because it was loud they both laughed when came on. In the advert, there was a pak choi going across the screen. He said 'because we laughed at it, it would be used to raise spirits.'

47. In response to Allegation 2 and saying this in the street, he said he was in Person A's flat and he called out to her. He said he intended to welcome her and she smiled and laughed.

48. He said he felt it was a relationship of trust and confidence although it was put to him this was inconsistent with his earlier account of the relationship.

Findings of fact

A summary of the Panel's findings is as follows:

49. The Panel found Person A to be a credible and compelling witness. The Panel noted that she was a very reluctant witness, who explicitly highlighted that she did not wish to partake in these proceedings. It found that she had no motive to fabricate an account against Officer X.

50. She remained consistent with the account she gave at her misconduct interview, albeit that she expanded upon certain aspects. The Panel found that this was likely to have arisen from the fact that she had not provided a statement earlier in these proceedings. The account given in her interview related to the earlier proceedings, which were not focused on these allegations. Accordingly, the Panel did not consider the additional detail to amount to an inconsistency.
51. In relation to **Allegation 1 (paragraph 4)**, and the use of the term “Pak Choi”, the Panel noted that its use was accepted by both the Officer and Person A and found that the term had been used on multiple occasions.
52. The Panel noted that Officer X and Person A had a “juvenile” and light-hearted relationship and accepted that the term was used as part of the banter in that context. Whilst the Panel noted that Person A had no recollection of the advert referencing “Pak Choi”, it was provided with a recording and the Panel accepted that the reference may have derived from it.
53. The Panel gave weight to the fact that Person A, by her own account, did not challenge the use of the term “Pak Choi”. The Panel also relied upon text messages between Officer X and Person A which were suggestive of the term having been accepted between them with Person A responding with an emoji of a Pak Choi. The Panel noted Person A’s evidence that she placed no blame on the Officer and her comment that, “by the way I reacted he wouldn’t have known I internalised it”.
54. When considering whether this language was racially discriminatory and/or offensive, the Panel found that Officer X had adopted the name because it was a Chinese vegetable and because of its nexus with Person A’s [redacted] heritage.
55. Nonetheless, the Panel gave weight to the fact that, in the context of the relationship, Person A had never informed the Officer that she found the term racially discriminatory at the time and at times may have encouraged him and laughed along, and only fully reflected upon it after discussing it with her new partner.

56. The Officer's account was that, at the time, the term was used as a term of endearment used to lighten the mood. In considering how Person A received these references at the time, and the fact there were other nicknames used by both officers ([redacted] which were accepted by Person A), the Panel found, subjectively, that she did not consider the term to be racially discriminatory or offensive, having regard to the context in which it was used.
57. The Panel also considered its use by reference to objective standards. This is not a term which is inherently racist. Its context was known only to the parties. Therefore, the Panel determined that, where it was being used as a nickname between the couple, and Person A did not appear to be offended by its use, an objective bystander would not have considered its use to be racially discriminatory or offensive and the panel found this **not proved**.
58. The Panel moved to consider **Allegation 2 (paragraph 5)**, namely that on one occasion around April or May 2023, the Officer repeatedly screamed "Pak Choi" at Person A in the street, and that this language was racially discriminatory and/or offensive.
59. The Panel found that the 'Pak Choi' reference was used in the street. This was supported by the evidence of Person A, who, when questioned about this incident, confirmed, that, if it was in a text message, it 'must have occurred'. Officer X also accepted calling it out from a balcony.
60. The term "scream" was taken from the text message evidence. The Panel did not find that it was said in an aggressive manner, having regard to the tone of the text messages which discuss the incident.
61. Given this involved use of the same term as Allegation 1, and for the same reasons as set out above, the Panel found this was not racially discriminatory or offensive and found this **not proved**.
62. The Panel then moved to consider **Allegation 3 (paragraph 6)**, which states that, on multiple occasions during the relationship, Officer X would mimic Person A and/or her mother and would use a Chinese accent. The Panel considered whether this conduct was racially discriminatory and/or offensive towards Person A and/or her mother.

63. The Panel noted the two conflicting accounts. The Panel noted Person A's clear evidence that this did happen and that she expanded upon this by explaining that Officer X would use eye-pulling gestures mimicking a Chinese person. She also provided an example in which [redacted] a name used for her by her mother, would be used when emulating her mother.
64. The Panel was mindful of the fact that the reference to the eye-pulling gestures had not been raised earlier. However, the Panel considered that this was due to the fact that Person A had not provided a stand-alone statement in relation to these allegations.
65. The Panel noted that Officer X was clear that this did not take place and described such conduct as racist and uneducated.
66. The Panel found Person A's account to be credible. She had no reason to fabricate or exaggerate the account and was fair in her assertion, maintaining that she considered the behaviour to be racism, but she did not consider Officer X to be racist. The Panel considered this against the backdrop of the accepted facts in Allegations 1 and 2, the perceived consent around the term Pak Choi, and the nature of the banter in the relationship. It found, on the balance of probabilities, that the conduct did occur as set out in her evidence.
67. The Panel found that, whilst the Officer's actions were not motivated by malicious intent, particularly given the backdrop of the Asian humour within the relationship, this did not detract from the nature of the conduct. The Panel was satisfied, on the balance of probabilities, that the conduct did occur as alleged.
68. It first considered the matter subjectively. The Panel noted that Person A focused on her remorse that she should have dealt with the matter robustly and spoken up at the time and that her lack of challenge allowed it to continue. The Panel found that the fact that Person A took ownership of this gave her greater credibility; she did not seek to blame Officer X. However, this did not provide a defence to the actions. The Panel found that she knew that what he was doing was wrong and, whilst she was not personally offended

in the context of their relationship at the time, she nevertheless knew that it was inappropriate.

69. The Panel found that such behaviour was clearly inappropriate by objective standards. The use of an eye-pulling gesture to mimic a person of South-East Asian descent was intrinsically a racist gesture, and the Panel found that the Officer would have been aware that his conduct was racially discriminatory, notwithstanding the fact that Person A did not challenge him at the time. The Panel found this allegation **proved**.

Standards of Professional Behaviour

70. The Panel considered each of the Standards of Professional Behaviour as set out in the Regulation 30 Notice. It found that the Officer's use of racist intonation and gestures fell significantly below the standards expected of a serving police officer.

71. The Standard of Authority, Respect and Courtesy require 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. By speaking and behaving in the manner in which he did, the Panel found that Officer X failed to treat a colleague and partner with the appropriate level of respect and courtesy. The Panel found that this Standard was breached.

72. The Standard of Equality and Diversity requires Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly. Conduct, such as that before the panel, which is inherently racist, has the potential to bring the Officer and the police service into disrepute. Public confidence in the police service depends, in part, upon police officers acting in a manner which demonstrates an awareness of and respect for diversity. The Officer acknowledged in his evidence that the conduct as alleged, and now found proved, under Allegation 3 was racist. The Panel therefore found that the Standard relating to Equality and Diversity was clearly breached.

73. The Standard of Discreditable Conduct requires Police officers to behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty. Given the extent to which the Officer's behaviour departed from the standards expected of a serving police officer, and the potential impact of that behaviour

upon public confidence in the police service, the Panel found that this Standard was also breached.

74. The Standard of **Honesty and Integrity** demands that Police officers are honest, act with integrity and do not compromise or abuse their position. The Panel applied the everyday meaning of integrity, informed by the leading authority of *Wingate & Evans v SRA*; *SRA v Malins* [2018] EWCA Civ 366 and the College of Policing Guidance on Outcomes.

Integrity concerns adherence to the ethical standards expected of a police officer and is principally directed towards conduct involving dishonesty, abuse of position, improper purpose or a deliberate departure from the ethical obligations of policing.

75. In considering *Wingate*, the panel noted that ‘neither courts nor professional tribunals must set unrealistically high standards’ emphasising that the duty of integrity does not require professional people to be paragons of virtue. Not every breach of a professional standard is necessarily a lack of integrity. It adopted the guidance that the panel should identify what ethical obligation inherent in policing has been violated, rather than simply accepting it was serious or inappropriate and equating this to lacking integrity.

76. Although the Panel found that Officer X’s conduct was immature, unprofessional and represented a serious error of judgement, it was not satisfied that it involved dishonesty, an abuse of police powers, personal gain, bad faith or any other feature ordinarily associated with a lack of integrity. To conclude otherwise would risk extending the concept of integrity to encompass any conduct which falls below professional standards. The Panel did not consider that this fell within the ordinary construction of this Standard and concluded that the standard of Integrity was not engaged.

77. The Panel determined that the conduct and its seriousness were appropriately reflected in the breaches of the other three Standards.

78. The Panel therefore found that, in relation to Allegation 3, the Officer had breached the Standards of **Equality and Diversity, Authority, Respect and Courtesy, and Discreditable Conduct**.

Seriousness, Culpability and Harm

79. The Panel then undertook a provisional assessment of the seriousness of the conduct. It found that the conduct was deliberate and intentional. The Officer deliberately spoke to Person A in the manner alleged, and deliberately engaged in the gestures found proved. The Panel also found that Officer X displayed a casual attitude towards language with a racist undertone. Given that discrimination, including unconscious discrimination, is an especially serious category in the College of Policing Guidance on Outcomes this increased his level of culpability. The Panel assessed his culpability as **medium to high**.

80. In terms of harm, the Panel noted the **psychological distress suffered by Person A**, albeit that the Panel was mindful of the fact that, the conduct was not designed to hurt her, and at the time, she did not make the Officer aware that she had been affected by his conduct. Person A referred to her 'humiliation' for failing to call out Officer X's behaviour and that she was now offended both personally and on her mother's behalf.

81. The Panel also considered **reputational harm**; unquestionably such conduct is not befitting of an Officer in the Metropolitan Police Service and the Panel found that conduct of this nature had the potential to cause significant damage to the police service and to its relationship with the communities it serves. The Panel therefore provisionally assessed the level of harm as **high**.

82. In considering aggravating factors, the Panel was mindful of the need to avoid double counting. However, it took into account the repeated nature of the conduct and the multiple breaches of the Standards of Professional Behaviour found proved.

83. The offending took place within a relationship of trust, within which Person A had confided in the Officer about a number of challenges in her personal life.

84. In mitigation, the Panel took into account that the conduct occurred in a private and informal setting with his partner and was consistent with the exchanges in their relationship which had a mutual aspect of jovial and light-hearted banter. The fact that Person A did not challenge the language used at the time may reasonably have led Officer X to believe that Person A was comfortable with, or accepting of, the racially inappropriate type of language used.

Gross Misconduct

85. Having found breaches of the Standards of Professional Behaviour proved, the Panel considered whether those breaches amounted to misconduct, gross misconduct, or neither. The Panel reminded itself of the definitions contained within the Police (Conduct) Regulations. Misconduct is a breach of the Standards of Professional Behaviour so serious as to justify disciplinary action. Gross misconduct is a breach so serious as to justify dismissal.
86. The Panel also reminded itself of the need to maintain public confidence in, and the reputation of, the police service, the need to uphold high professional standards, and the need to protect the public, officers and staff from similar misconduct.
87. The Panel considered that the seriousness of the conduct, the combination of medium to high culpability, the psychological harm suffered by Person A, the potential reputational harm to the police service, and the impact upon public confidence meant that the misconduct was sufficiently serious that dismissal could be justified and was therefore assessed as gross misconduct.

Outcome

88. The Panel heard submissions from both parties as to the appropriate outcome. It had regard to the Officer's record of service, the extensive character evidence and the other material placed before it.
89. The Panel had regard to Regulation 42 of the Police (Conduct) Regulations 2020 and the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings.
90. It also recognised that the Guidance informs, but does not fetter, the Panel's discretion and that the outcome must be proportionate to the seriousness of the misconduct.
91. The Panel regarded the misconduct as very serious. The conduct involved multiple breaches of the Standards of Professional Behaviour, including Authority, Respect and Courtesy, Equality and Diversity and Discreditable Conduct. The conduct represented a significant departure from the standards expected of a police officer and had the potential to undermine public confidence in the professionalism of the police service.

92. The Panel confirmed the provisional assessment of the Officer's culpability as medium-high. The conduct was deliberate and intentional.

93. In considering harm, the Panel had regard to the impact upon Person A, as described in her oral evidence, including the psychological distress she subsequently experienced. The Panel was nevertheless mindful that, at the time of the incident, Person A did not make the Officer aware that she had been affected by his conduct.

94. The Panel also considered the wider potential reputational harm to the police service. Conduct involving racist language and gestures by a serving police officer has the potential to cause significant damage to public confidence in the police and to the relationship between the police service and the communities it serves. The Panel therefore assessed the level of potential harm as high.

Aggravating and mitigating factors

95. In considering aggravating factors, the Panel was mindful of the need to avoid double-counting matters already reflected in its assessment of culpability and harm. It nevertheless took into account the repeated nature of the conduct within the relationship Officer X had with Person A and the fact that it involved multiple breaches of the Standards of Professional Behaviour.

96. In mitigation, the Panel were cognisant to distinguish mitigating factors to the misconduct at the time from personal mitigation (in line with the Guidance on Outcomes in Police Misconduct Proceedings). The Panel felt the context in which the conduct occurred and the mutual nature of the relationship between the Officer and Person A were relevant mitigating features to consider at this stage. The conduct occurred in a private setting, behind closed doors, and did not occur in the presence of a member of the public. The specifics of Allegation 3 occurred against a contextual backdrop of informality, between a couple in a relationship, who jointly participated in joking and mocking exchanges, which on occasion included the use of inappropriate terms, in which Person A sometimes participated.

97. The Panel also took into account Person A's evidence that she did not consider Officer X to be racist and that she had not challenged the language at the time or indicated that she found it offensive. Taken together with the private nature of the relationship and the general context of the exchanges, these circumstances may reasonably have led the Officer to believe that Person A was comfortable with, or accepting of, the language and gestures being used.

98. The Panel nevertheless emphasised that conduct intended as mocking, humorous or as part of a joke does not make racist language or gestures appropriate. The Officer should have recognised that the conduct crossed the boundaries of acceptable professional behaviour. The contextual matters therefore provided mitigation but did not alter the objective seriousness of the misconduct or the Panel's finding that the conduct fell significantly below the standards expected of a serving police officer.

Personal mitigation

99. The Panel was mindful that personal mitigation does not diminish the seriousness of the misconduct itself and should be considered only after the Panel has assessed that seriousness of the misconduct. It also recognised that testimonials and character references should not be confused with mitigation arising from the circumstances of the misconduct.

100. The Panel gave appropriate weight to the large number of positive character references, commendations and other positive evidence concerning the Officer's service. This included evidence from senior officers and evidence of his professionalism, work ethic, bravery, compassion towards victims of crime and positive contribution to policing.

101. The Panel also took into account evidence that the Officer had reflected upon his previous behaviour and had developed a greater understanding of the professional behaviour expected of him. There was evidence of developing insight, some acceptance of responsibility and the commencement of remedial steps. While the Panel did not consider that his acceptance of responsibility was complete, it recognised these matters as relevant personal mitigation.

102. The Panel also noted that there had been no repetition of similar behaviour during approximately three years of police service and that there was evidence of the Officer's capacity and willingness to learn from the proceedings. There was no evidence of repeat behaviour since the conduct occurred.

Outcome

103. Having regard to the seriousness of the misconduct, the high level of potential harm, the Officer's culpability and the need to maintain public confidence and uphold professional standards, the Panel considered the available sanctions.

104. The Panel gave particular consideration to the existing Final Written Warning, imposed in March 2025 and due to remain in force for three years.

105. The Panel was satisfied that the existing Final Written Warning was a separate and properly imposed disciplinary sanction. However, it was mindful of the chronology of the present case. The conduct before the Panel occurred between March 2022 and August 2023, and the Appropriate Authority was aware of it in December 2024. The Final Written Warning arose from a matter concerning the same period and the same investigation and was imposed in March 2025.

106. The Panel understood that there were procedural reasons why the present allegation had not been dealt with at the same time as the earlier matter. Nevertheless, it considered it unfortunate that all of the matters had not been considered together.

107. The Panel therefore considered that it would be inappropriate to treat the present misconduct as though it constituted a breach of, or further misconduct during the currency of, the Final Written Warning. This sanction was not in force when the seriousness assessment in the present matter was carried out and the Officer would not have been on notice from that warning, at the time of the present conduct, that further misconduct would have consequences arising from that warning when the warning had not yet been imposed.

108. The Panel nevertheless considered the existing Final Written Warning relevant to the determination of the appropriate outcome, including its purpose of marking the seriousness of misconduct and deterring further misconduct.
109. The Panel considered whether a further Final Written Warning was necessary and proportionate. In doing so, it gave substantial weight to the factors identified above, including the context in which the conduct occurred, the absence of repeat behaviour, the Officer's developing insight and remediation, his positive service record and character evidence. The panel gave particular weight to the chronology of the proceedings as set out in detail above. The panel was particularly mindful of the fact that Officer X had been subject to misconduct proceedings for matters which were extremely similar in character and shared a number of hallmarks; they were also racist comments said in a private conversation. The panel considered that if the present matter been heard at that time, the Officer may well have received a combined sanction.
110. The Panel concluded that a Final Written Warning appropriately reflected the seriousness of the misconduct while giving proper weight to the mitigation and the fact that the present proceedings concerned conduct which pre-dated the existing warning and arose from the same period and investigation.
111. The Panel was mindful that a Final Written Warning should be final and that the purposes of such a warning include deterrence from future misconduct. In the circumstances of this case, however, the Panel considered that a further Final Written Warning for two and a half years was the most proportionate means of marking the seriousness of the present misconduct without treating the Officer as having committed further misconduct during the currency of the existing warning.
112. The Panel therefore determined that a Final Written Warning for two and a half years was the appropriate and proportionate outcome.

Right of Appeal

113. In accordance with Regulation 43(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded that he has a right to appeal to the Police Appeals Tribunal (PAT). The PAT may increase or decrease any penalty or overturn this decision.

