

FORMER OFFICER PC D

1. This is the decision in an Accelerated Misconduct Hearing involving Former Officer PC D. He resigned from the Force and is therefore subject to the Former Officer Regulations.
2. The former officer had indicated through his Federation Representative that he wished to take no part in the hearing. It is clear that he is fully aware that the hearing is due to take place today and has chosen not to attend or in any way engage in the process. I have therefore directed that the hearing should progress pursuant to Regulation 57 (3) of the Police (Conduct) Regulations 2020.
3. I have agreed that all parties should be granted anonymity. The former officer has anonymity to protect the name of the individuals involved in his conduct. I have made a separate decision relating to this issue.
4. The allegations have been outlined in the Regulation 51 notice. This states:

Allegation 1

1. PC D, whilst the investigating officer in relation to an assault that A was a witness of, contacted her between the 7th – 22nd October 2025 through his work telephone.
2. The contact with A was excessive, inappropriate in tone and not all work related. It was inappropriate because of, though not limited to, the following:

a. The officer sent flirtatious text messages to A, referring to himself as a catch [21:27 on the 12th October 2025], referring to A as a catch [21:34 on the 12th October 2025 and 22:44 on the 14th October 2025], was receptive to a date with A whilst her son was shown the police van [00:47 on the 15th October 2025], referred to her as the main attraction on a night out [01:35 on the 15th October 2025], told her that she was stunning [15:20 on the 17th October 2025] and had a beautiful face and that he checked her out [at 15:29 on the 17th October 2025].

b. Discussed starting a casual relationship that did not involve feelings and both could walk away [15:12 on the 17th October 2025]

c. On the 18th October 2025, whilst working, discussed trying to find time to arrange to meet A privately.

d. On the 22nd October 2025, whilst working, arranged to meet up with A where she intended to kiss him, but this was interrupted by a member of the public speaking to PC D.

e. The Officer expressed his views about the case to a witness involved in it [22:52 – 23:13 on the 15th October 2025]

3. PC D knew or ought to have known that the conversations were inappropriate because he discussed deleting the messages from his device and that it risked his job [15:11 on the 17th October 2025].

4. PC D knew or ought to have known that A was a vulnerable individual as she told him she was vulnerable to panic attacks and had bad anxiety in an email from the 1st October 2025.

5. PC D had also received training on the 7th November 2022 for Abuse of Position for a Sexual Purpose and was therefore aware he should not have been behaving in the way he did towards A.

6. The conduct breached the standards of professional behaviour for Authority, Respect and Courtesy, Order and Instructions and /or Duties and Responsibilities, and/or Discreditable Conduct. Such conduct, individually and/or cumulatively, amounts to gross misconduct in that it is so serious as to justify dismissal.

Allegation 2

7. PC D deleted the communications between himself and A from his police issued work device, namely a Samsung Mobile Phone IMEI 356196630839948.

8. Those messages were deleted in order to conceal the Officer's inappropriate relationship between himself and A.

9. The conduct breached the standards of professional behaviour for Honesty and Integrity. Such conduct amounts to gross misconduct in that it is so serious as to justify dismissal.

5. The former officer has not provided any Regulation 54 response. He has not made any admissions and the AA has to prove the allegations on a balance of probabilities.

6. A was a witness to an alleged assault on 18th May 2025 carried out by her partner B. The assault was alleged to have been carried out by him on his ex-partner C. The former officer was involved in the investigation and he contacted A.

7. There is evidence of the messages and the contents. The former officer exchanged messages with A from 7th to 27th October. There were 636 messages. This was an average of 30 messages a day. Most of the conversation was unrelated to his police work. It started with general chit-chat. On some days it amounted to over 2 hours of texting between them. Some messaging was through midnight into the early hours of the morning. Some were from his home.
8. It was clear from the start of the former's officer's contact with A that A was a vulnerable individual. She indicated that she suffered from bad anxiety and was vulnerable to panic attacks.
9. The former officer suggested he interviewed A at her flat. Messages were over familiar and flirtatious. He talked about whether her partner monitored her messages. He suggested he would delete the thread of messages every few days. He later asked if she could be trusted. He was attempting to cover up his behaviour. He clearly knew the contact was wrong and inappropriate. He also asked if B was there every day suggesting he was trying to manage the messaging without getting caught. He said in one message he was finding an excuse to email her as she was stunning and that she had a beautiful face and he checked her out. Later he did try to arrange to meet her. She agreed to meet him.
10. A Detective Constable spoke to A about the contact. She said that she thought the former officer was attracted to her. She knew it was wrong which is why she stopped it. The former officer complimented her which made her feel nice, more so because it came from a police officer. Her partner thought he had a crush on her. He was finding ways to message her. She had a gut feeling it was wrong and she felt she had been emotionally cheating on her partner and felt bad about it.

11. The former officer was interviewed on 24th October 2025 and provided a no comment interview, save for when he was asked about the number to obtain entry into his phone and he said it would be a combination of his date of birth. He was interviewed again on 19th January 2026 and provided a prepared statement.
12. The former officer provided a prepared statement at p 57. He admitted there was communication and accepted that “some of this was excessive” and “may be viewed as flirtatious” and came across as being “over familiar”. He did not believe she was vulnerable and had no desire for sexual gratification and did not intend to start a relationship with her. He suggested he did not invite her to meet in person. He again provided no comment to any questions put to him in the interview.
13. On 7th November 2022, the former officer had undergone training on the abuse of position for a sexual purpose. This included discussions and case studies.
14. I have considered all the evidence and I find that allegation 1 is proved against the former officer on a balance of probabilities. The evidence is incontrovertible. The contact was excessive, inappropriate in tone and often not work related. It included flirtatious messages. The former officer discussed starting a casual relationship and he tried to arrange to meet A privately. He knew the messages were inappropriate. He knew she was vulnerable to panic attacks and had bad anxiety as she had told him this. He had received training on an abuse of position for sexual purposes.
15. I find that the former officer was contacting A in order to pursue an emotional relationship with her and to develop a sexual relationship. He had informed her that he found her attractive, discussed when she would be alone and sought to arrange a meeting with her. The former officer denied that he intended to meet her in his interview but this is contrary to the evidence. I do not consider that his conduct was just him being over familiar with a witness. The messages suggest he was grooming A for sexual purposes.

16. There was a clear conflict of interest caused by the former officer's action. A was a witness to the investigation and was also living with the suspect of an assault allegation. There was a clear imbalance of power as the officer was involved in the investigation and had control of its progression. His contact with her impacted on his approach to the investigation. It included on duty conduct which would have impacted on his ability to perform his police work.

17. Allegation 2 alleges that the former officer deleted the communications between himself and A from his police issued work device. There is clear evidence of this from PC Kate Shaw. There is no challenge to this from the former officer and he has not provided any explanation as to why the messages were missing when he was asked about it in his interview. I find allegation 2 is proved on a balance of probabilities. The evidence is incontrovertible.

18. I have to decide if these facts amount to a breach of the Standards of Professional Behaviour of Authority, Respect and Courtesy, Orders and Instructions, Duties and Responsibilities and Discreditable Conduct in respect of Allegation 1 and Honesty and Integrity in respect of allegation 2.

19. The Former Officer's conduct included:

- a. compromising or abusing his position;
- b. engaging in conduct which would bring discredit to the police service, since the public would not expect a police officer to use his role to identify a vulnerable complainant and then seek to develop a flirtatious, sexual relationship with her;
- c. and showing a lack of self-control and abusing his power and authority to establish and maintain an inappropriate relationship with the complainant.

20. I find that the former officer has acted in breach of all these standards of Professional Behaviour.

21. I have to decide if these breaches amount to Misconduct or Gross Misconduct. Gross misconduct in a case involving a Former Officer is defined as a breach of the Standards of Professional Behaviour which is so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force.

22. I have no hesitation in concluding that this conduct is Gross Misconduct. The officer would have been dismissed if he was still a serving officer. All officers are well aware that they should only contact witnesses for a policing purpose. The former officer had received training on this issue. There is clear national concern about officers developing inappropriate relationships with females whom they meet in the course of their work. This has been the subject of significant recent publicity in the national media. Officers know that such contact is a very serious matter, contrary to policies and a breach of their professional obligations. It is particularly serious when the intention is to develop a sexual relationship with a vulnerable female as in this case.

23. I have to consider the outcome in this case. I have to assess the seriousness of the misconduct, then keep in mind the purpose of imposing sanctions and choose the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question.

24. Since I have concluded that the former officer's action is Gross Misconduct, I can only consider two outcomes: disciplinary action or no disciplinary action. The only disciplinary action which could be imposed, is that the officer would have been dismissed if he was still a serving officer. No other sanctions can be imposed.

25. I firstly have to assess the severity of the conduct by considering the former officer's culpability, the harm caused and any aggravating and mitigating factors. I have considered relevant sections of the Guidance on Outcomes in police misconduct proceedings and have incorporated them within the sections below. I have already made some comments on the seriousness of the behaviour in determining that the conduct was Gross Misconduct.

Culpability:

26. I have found that the former officer messaged A in order to try and pursue a sexual relationship with her. His conduct was intentional, deliberate, targeted and planned. He sought to exploit a witness in a case who was vulnerable.

27. Misconduct including sexual impropriety is always particularly serious. The abuse of position for a sexual purpose is a form of serious corruption. This is defined as any behaviour by a police officer, whether on-duty or off-duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public. Such conduct can cause substantial damage to public trust and confidence in the police, and is particularly serious where the subject of the former officer's behaviour is a vulnerable person.

28. This conduct is against the background of national scrutiny where there has been a failure to prevent or protect women and girls from abuse and violence. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated.
29. A was vulnerable and this was made known to the officer. She suffered from anxiety and bad panic attacks. She told him about this.
30. The officer was also in a position of specific responsibility in respect of A. The Guidance provides at para 4.46: “An officer may also assume a specific responsibility to a person by performing a particular role – for example, as a family liaison officer, personal protection officer or cadet leader. In the aforementioned roles, and other such roles in situations of express responsibility towards a particular person or group of people, the need for scrupulous professionalism is greater. (4.47) The misconduct may involve members of the public, victims of crime, offenders or witnesses during the course of an officer’s duties or as part of an investigation.”
31. At para 4.48: “. Wherever an investigation, prosecution or the potential to appeal is engaged, sexual or improper relationships with victims, witnesses and suspects is a serious risk to the integrity of the criminal justice process”.
32. The former officer’s conduct was highly culpable, involving his determined and persistent pursuit of an emotional and sexual relationship with a witness during an ongoing police investigation into her partner. He knew she was vulnerable. He abused his position to establish and maintain the relationship. His actions impacted on the conduct of his investigation. It risked causing serious damage to the integrity of the criminal justice system.

Harm

33. The former officer's action will undermine public confidence in policing. He was exploiting his position as an officer for his own sexual gratification. He has also caused harm to Ms A. She was vulnerable and was emotionally affected by his actions. She suffered harm due to his conduct.

Aggravating factors:

34. The Guidance includes a list of aggravating factors. I will not double count these factors but they include:

- premeditation, planning, targeting, or taking deliberate or predatory steps
- malign intent, such as sexual gratification
- abuse of his position
- regular, repeated or sustained behaviour over a period of time
- continuing the behaviour after the officer realised, or should have realised, that it was improper
- regular, repeated or sustained behaviour over a period of time

- violence against women and girls
- significant deviation from force policy or national guidance
- the scale or depth of local or national concern about male officer's views and treatment of women.

Mitigating Factors:

35. No particular mitigating factors are present in this case. The officer has accepted he sent the messages but he had to do this given the evidence of the content of the messages. He has denied that his conduct was for sexual purposes but I have not accepted this.

36. Overall, I consider that the conduct in this case is very serious.

Outcome:

37. I have considered the former officer's record of service and the representations made on behalf of the AA.

38. The former officer joined the force on 30th October 2022. He worked on response.

39. No personal mitigation has been advanced on behalf of the former officer.

40. I have reminded myself of the purpose of these proceedings. There are three overarching purposes for police disciplinary proceedings: To maintain public confidence in, and the reputation of, the police service; to uphold high standards in policing and deter misconduct and to protect the public.
41. I have assessed the outcome that most appropriately fulfils the purpose of these proceedings.
42. There is a presumption of dismissal given the finding of gross misconduct. The former officer has not raised any exceptional circumstances which would justify a departure from this presumption.
43. The conduct of this former officer is very serious. The only appropriate outcome would have been dismissal, with or without the presumption arising. The officer would have been dismissed if he was still a serving officer. The officer's actions in pursuing a relationship with a vulnerable individual who he met in the course of his policing work is unacceptable conduct for any police officer. It is aggravated by the fact that he was involved in the investigation, knew A was vulnerable and his actions risked impacting on the integrity of the criminal justice system.
44. I consider the only appropriate outcome is to impose disciplinary action. The officer would have been dismissed if he was still a serving officer.
45. The former officer will be placed on the barred list. I have granted anonymity to the former officer to ensure that the individual victim in the case is not identified. The rationale for that decision is attached. This decision should be respected in considering the content of the entry on the barred list. The former officer has a right of appeal which will be notified to him.

