

NOTIFICATION OF OUTCOME OF MISCONDUCT HEARING

Former PC [REDACTED], on 14 January 2025 you were asked to appear at a misconduct hearing, which was conducted by:

Legally Qualified Chair: Harry Ireland

Independent Panel Member: Rosalind Jackson

Panel Member: Superintendent Sallie Churchill

ALLEGATIONS:

General

1. On 15 January 2021 at around 06:30 hours you attended the address of Ms P, for the purpose of executing a warrant to arrest her partner, Mr W. Mr W was arrested and taken to custody. You remained at the address.
2. Ms P herself was subsequently arrested after officers found a quantity of Class A drugs at the address. She was later released under investigation.
3. On 9 March 2021, whilst Ms P was still under investigation, you engaged in a WhatsApp conversation with Ms P using your personal mobile phone number. You exchanged multiple messages with Ms P between 11:59 on 9 March and 13:35 on 11 March 2021. The messages included the following:
 - a. In your initial message at 11:59 on 9 March 2021 you suggested that you “Put your number into the wrong phone” and told Ms P “No update on your job certainly nothing to worry about. [REDACTED]”
 - b. At 12:53 on 9 March 2021 you told Ms P “For reference fucking hell that profile picture is [fire emoji x 2]”.
 - c. At 23:00 on 9 March 2021 you said “Lost count of the number of times I’ve peaked at that profile pic...”.
 - d. At 21:53 on 10 March 2021 you told Ms P you were trying to find her on Instagram, and she replied to you with her Instagram account name.
 - e. At 22:16 on 10 March 2021 you told Ms P “You miss are fuxking [fire emoji x 2]. Those pics are insane”.
 - f. At 13:19 on 11 March 2021, in relation to Ms P having had her hair done, you said “Well where is the evidence of this hair”, to which she replied “Il [sic] show you in min”.
4. Later in March 2021 you telephoned Ms P. Ms P told you that she wanted no further contact with you and was going to inform the police. It is alleged that you pleaded with Ms P not to contact the police and told her “It will ruin my life”.

Breaches of the Standards of Professional Behaviour

Allegation 1

5. In March 2021, whilst Ms P was still under investigation, you engaged in WhatsApp conversations with her via your personal mobile phone which were not for any apparent policing purpose and included comments relating to images of Ms P. The messages included dialogue which was inappropriate and flirtatious in nature. Such messages were in breach of the Standards of Professional Behaviour, as follows:
- a. You sought to establish and pursue an improper sexual or emotional relationship with a person whom you had come into contact within the course of your policing duties and whom you knew to be the subject of an ongoing criminal investigation, in breach of the Standard relating to Authority, Respect and Courtesy.
 - b. In contacting and repeatedly messaging a suspect from your personal mobile phone for non-policing purposes, including asking for personal photographs, you abused your position as a police officer, in breach of the Standard relating to Honesty and Integrity
 - c. By your actions you behaved in a manner that would bring discredit on West Midlands Police and undermine public confidence in policing, in breach of the Standard relating to Conduct.

It is alleged that such conduct was a breach of the Standards of Professional Behaviour so serious that your dismissal could be justified, and therefore amounts to gross misconduct

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EVIDENCE

The former officer did not attend nor was he represented.

The position as of today's hearing can be summarised as submitted by Counsel for the AA as follows:

Former PC [REDACTED] was sent the relevant papers in this matter on 3 September 2024

[A61-64]. He did not submit a Regulation 31 response. WMP were notified, via his

Federation Representative on 27 September 2024, that Former PC [REDACTED] did not

intend to respond to the Regulation 30 notice or to engage further in the process.

Former PC [REDACTED] admitted, during the investigation, that he should not have

contacted Ms P using his personal phone. He was aware of the College of Policing

Guidance on Abuse of Position for Sexual Purpose (APSP) and Force policy on maintaining

professional boundaries. He agreed the messages sent were inappropriate both in terms of

their content and because they were sent whilst Ms P remained under criminal investigation [A35-6 and B12-13].

Former PC [REDACTED] has indicated, via his Federation Representative, that he does not intend to attend the hearing neither has he instructed his representative to attend in his absence.

Former PC [REDACTED] resigned from WMP on 2 August 2024. His last working day was 3 August 2024.

He also submitted a written submission by way of email received the day before the hearing which the Panel took into account.

We found that the former officer was aware of the case against him, had fully admitted the allegations in his interview and had chosen not to engage with the disciplinary process including failing to attend the hearing. Accordingly, we found that it was in the interests of justice that we proceed in the former officer's absence and there were no grounds for considering adjourning proceedings.

Given the evidence from Ms P, the messages exhibited and the admissions, we found the case proven and that the former officer breached the Standards of Professional Behaviour relating to:

Authority, respect, and courtesy

Honesty and Integrity

Discreditable Conduct

And such breaches amount to Gross Misconduct.

Conclusion

The purpose of the misconduct hearing is threefold:

Firstly, to protect the public confidence in and the reputation of policing.

Secondly, to maintain the high professional standards by demonstrating to other officers that misconduct will not be tolerated.

Thirdly, to protect the public and/or officers and staff by preventing the officers from committing similar misconduct again.

In determining the appropriate sanction, we took into account the following matters:

CULPABILITY

- We found that the former officer's culpability to be high. His actions were deliberate and continued over a period of time and only ceased when Ms P made a complaint to the police about his contacting her.
- As the misconduct is one relating to sexual impropriety, the conduct is serious.
- The former officer was aware of his wrongdoing as acknowledged in his interview, accepted that he was aware of Force policy and had the relevant training on such

matters. Despite this he embarked on his contact with Ms P, seemingly seeking some form of relationship, made more serious given that she had been arrested and was on bail in connection with serious allegations regarding Class A drugs.

HARM

- Inevitably, public confidence in the police would be harmed by his actions. He was involved in the arrest of Ms P on a serious allegation and, whilst on bail, abused his position to seek out a relationship with her. Ms P was in a vulnerable position as accepted by the former officer in his interview which increases the level of culpability and harm.
- Whilst still on bail, and thus no decision as to prosecution taken in respect of Ms P, the former officer's conduct could have adversely affected any future criminal prosecution against her.

AGGRAVATING FACTORS.

- Ms P was targeted by the former officer and his conduct was planned and deliberate.
- He had a malign intent, namely sexual gratification.
- He abused his position exacerbated by his involvement in MS P's arrest.
- He continued with his misconduct even when he must have realised it was improper.
- Significant deviation from Force policy and training.
- National concern regarding police officer's improper relationships with women.

MITIGATING FACTORS:

- Early admissions.
- [REDACTED].

We acknowledge the risk of 'double counting' in assessing the above factors and have taken this into account.

As a result of this misconduct hearing the following was found and imposed with effect from today:

Had the officer still be a serving officer he would have been dismissed without notice.