

**RECORD OF MISCONDUCT HEARING UNDER REGULATIONS 41 - 43 POLICE
MISCONDUCT [CONDUCT] REGULATIONS 2020 [AS AMENDED] 'The 2020
regulations'****CASE NUMBER:CM/98/24**

DATE	22nd May 2026
TIME	10:00
DURATION	1 day
TYPE OF HEARING	In person attended hearing
POLICE CHAIR	Julia Debenham
INDEPENDENT PANEL MEMBERS	Marsha Pearson Kathryn Daniels
LEGALLY QUALIFIED PERSON 'LQP'	Rupa Sharma
PROCEEDINGS MANAGER	Marie Cooke-Williams

REPRESENTATION

PARTY	REPRESENTED BY
SOLICITOR APPROPRIATE AUTHORITY	Herjinder Singh
COUNSEL FOR APPROPRIATE AUTHORITY	Steven Reed
	
FORMER OFFICER	not in attendance
POLICE FEDERATION REPRESENTATIVE	none
SOLICITOR FOR FORMER OFFICER	not represented
COUNSEL FOR FORMER OFFICER	not represented

PROCEDURAL ISSUES

a) Public notification of misconduct hearing

1. At the PHR on 8th April 2025, the Chair had directed that there be no publication of the notice of hearing. Reasons had been provided by the Chair at the PHR and recorded in the note from the PHR as drafted by the Chair.
2. On the 12th May 2026 the Chair [by email] directed that an anonymised regulation 36 notice was published identifying the date, time and location of the hearing, and the alleged breaches of the standard of professional behaviours. This would allow any members of the accredited press/public to attend the hearing and make representations as to whether the hearing should take place in public or private.

b) Direction to exclude any person from misconduct hearing, pursuant to regulation 39[3] [a] 2020 Regulations.

3. Submissions had been made by both the AA and the former officer at the PHR requesting that the outcome of today's misconduct hearing was not published at the conclusion of today's hearing. The AA has filed written submissions dated 31 March 2026. The former officer had set out his application in an email dated 10th February 2026.
4. At the PHR the LQP has advised the Chair did not have the power to make a direction under regulation 39 but could only hear representations and make a decision at the start of today's hearing [regulation 33 [14] 2020 regulations].

Legal advice

5. The AA had made reference to relevant case law and the harm test. The LQP did not intend to repeat these given they were set out in the AA written submissions. For ease of reference these were also set out at regulation 39 [7] of the 2020 regulations.
6. Although the application must be considered on the facts, the Chair must have regard for the fact that direction had been made prohibiting publication of the notification of the hearing [regulation 36 public notification], the purpose of making such a direction and the reasons given at the PHR, and then a subsequent direction was made on 12th May 2026 directing that a redacted notice of hearing was published.
7. The decision was for the Chair alone [and the not the panel] but the AA did not object to the other panel members being present when submissions were made, as long as it was made clear the Chair was making the decision. [See regulation 39[3] of 2020 Regulations].

c) Direction prohibiting publication of report of misconduct hearing pursuant to regulation 43[10] 2020 Regulations.’ ‘Regulation 43 report’

8. As above, submissions had been made by both the AA requesting that the report recording the panel's reasons and outcome of today's misconduct hearing not be published. [REDACTED]
9. In his email dated 10th February 2026 served for the purposes of the PHR, and confirming his Regulation 31 response, the former officer sought a direction that his details be anonymised to protect him and his family.
10. The Chair indicated that she would deal with issue of the publication of the panel's decision under Regulation 43 [6] of the 2020 regulations, at the conclusion of the hearing- that is after the panel had made its substantive decision.
11. After the panel had found gross misconduct proven and determined the officer would have dismissed without notice had he still be in post, the Chair went onto consider whether a direction should be made under regulation 43[10]. The AA submitted it could redact the regulation 43 report [as is permitted by regulation 43[9] and so would not require a direction under 43[10]. However, the AA opposed the application by the former officer to anonymise his details or any personal information that could lead to him and/or his family being identified.
12. The Chair considered the former officer's application as set out in his email dated 10th February 2026 . At the PHR she had directed that the former officer provide supporting evidence to corroborate the basis of his application as the reasons provided were insufficient to meet his request. Despite a direction being made at the PHR and the former officer having the benefit of legal advice, the former officer had failed to provide the additional information as directed. The Chair [based only on the information contained with on the email dated 10th February 2026] refused the application on the basis that they were assertions and had not been corroborated by any supporting evidence.
13. The AA indicated that they would publish the regulation 43 report subject to redaction as permitted under regulation 43[9] [a], on the grounds of public interest, [REDACTED]
[REDACTED] For avoidance of any doubt the former officer's details would not be anonymised. For this reason, the AA would not be seeking a direction pursuant to regulation 43 [10] of the 2020 regulations. The AA would publish the full unredacted regulation 43 report at the conclusion of criminal proceedings.

PROCEEDING IN ABSENCE

14. The hearing manager informed the panel by email on 20th May 2026 , that the former officer would not be attending the hearing and would not be represented in his absence.
15. His representative had submitted, on his behalf, a regulation 31 response and character references. These were added to the bundle [PAGES A28-32 and E1-5].
16. The AA invited the panel to proceed in the former officer's absence

Legal advice

17. The former officer was given notice of the hearing by the AA in accordance with rule 35 of the 2020 regulations. The former officer has been notified of his right to legal representation under rule 41 [2] of the 2020 regulations. [PAGES A24-27]
18. Although rule 37[1] of the 2020 rules required the former officer to attend the misconduct proceedings, rule 37 [3] [b] permitted the panel to proceed in the absence of the former officer
19. The LQP referred the panel to the principles in the case of **R v Jones , [2001] EWCA Crim 168** and advised the panel to consider the following:-
 - Had the former officer been served with notice of hearing
 - Had he communicated with the AA or the proceedings co-ordinator
 - Had he voluntarily absented himself from proceedings
 - Would an adjournment serve any useful purpose- i.e. -would the former officer attend an adjourned hearing.
20. When asked, the AA legal representative did not have any comments about the advice given by the LQP.
21. The LQP advised no adverse inference could be drawn from the former officer's absence and it was not to be construed as evidence of or an admission to misconduct [gross]. The legal and evidential burden remains with the AA irrespective of the absence of the former officer.
22. The panel, applying the principles set out in R v Jones, proceeded in the former officer's absence

PRELIMINARY ISSUES

23. The AA confirmed that they took no issue with late service of the regulation 31 notice and the character references. [PAGES A28-A32 & E1-E5].
24. The AA confirmed that there was a typing error in the allegations as set out in the regulation 30 notice. [pages A24-A45] The reference paragraphs 1.8, 1.11, 1.13, should all refer to paragraph 1.2.

SUBSTANTIVE FINDINGS OF FACT

a) finding of facts and breach of standard of professional standards

25. The allegations of misconduct are set out at pages A24-A25 of the bundle

Written evidence considered

26. An opening note prepared by the AA was served on the panel in advance of the hearing and was referred to by the AA when outlining the AA's case.
27. The panel considered the evidence contained with the bundle at pages A1-D6. This included the officer's Regulation 18 and 31 responses, and the character references [PAGES A28-32 , B1-B3 and E1-E5] It did not hear evidence from live witnesses. His defence was set out at paragraphs 13 -20 of his regulation 31 response.
28. The under lying evidence upon which the allegations of gross misconduct were based were not in dispute, namely, the exchange of text messages [REDACTED] and the former officer. [paragraph 7 of the regulation 31 response]
29. The former officer stated that the text messages were sent in banter/jest [REDACTED]
30. Simple misconduct was admitted by the former officer [see page A28 at paragraphs 4 of his Regulation 31 response]
31. In relation to the alleged breach of the professional standards , the former officer accepted his actions amounted to discreditable conduct but denied his

actions amounted to a lack of integrity. [see page A28 paragraph 5 of the regulation 31 response.]

Legal advice

32. The panel was reminded that the AA have both the legal and evidential burden. The AA brings the case, and it is for the AA to prove the allegations on the balance of the probabilities – that it is that more likely than not that the former officer committed the acts alleged and that they amount to gross misconduct. [Regulation 41[16][a] 2020 Regulations]. The AA puts its case on this basis.

33. In accordance with Regulations 41 [15] & [16] of the 2020 Regulations the panel had to consider whether the facts alleged amounted to gross misconduct, applying the relevant evidential burden. The panel were entitled to find simple misconduct found proven on the basis of the former officer's admission [Rule 42[16] of the 2020 regulations].

34. Misconduct is defined under Regulations 2 [1] of the 2020 regulation as ‘ ..a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct ‘means a breach of the standards of professional behaviour that is so serious as to justify dismissal.

35. Schedule 2 of the 2020 Regulations sets out the standards of professional behaviour.

In deciding this the panel had to have regard to the following: -

- The College of Policing Code of Ethics ‘COE’,
- the representations made by the AA [Regulations 41 [6] 2020 Regulations but the panel was not bound by any representations]
- the written representations made by the former officer's representative [Regulations 41 [7] 2020 regulations but the panel was not bound by any representations]

36. The panel was advised that it must consider each allegation separately, having regard to the legal and evidential burden. The panel must not find allegation 2 proven simply because it found allegation 1 proven or vice - versa.

Wingate and Evans v SRA; SRA v Malins [2018] EWCA Civ 366 (March 2018) Para 95 onwards of Judgement.

37. In Wingate Evans and Malins, the solicitors had been found to lack integrity on particular charges but had been acquitted of dishonesty in respect of those charges. The Court of Appeal laid down the following as the correct approach to determine whether a regulated person has failed to act with integrity

(1) Integrity is a broader concept than honesty. In professional codes of conduct, the term integrity is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.

(2) It is not possible to formulate an all-purpose, comprehensive definition of integrity. However, it is possible to set out the broad contours. Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. The duty to act with integrity applies not only to what professional persons say, but also what they do.

38. When asked, the AA did not have any comments about the advice given by the LQP.
39. For avoidance of any doubt the LQP did not join the panel when they retired to consider the allegations.
40. The Chair informed the AA that it would provide full written reasons in 10 working days beginning with the first working day after the completion of the misconduct hearing as required under Regulations 43 1D as amended by the Police (Conduct) (Amendment) Regulations 2024. but would provide the AA with its oral decision today.

b. Decision- finding of fact and whether the allegations amount to gross misconduct

The panel worked through the allegations in the Reg 30 notice and its findings are as follows: -

41. At all material times you were a Constable in the West Midlands Police.

42. This is undisputed and proven.

43. Between 7 December 2022 and 26th April 2024, you send and received a series of messages [REDACTED]

44. This is fully admitted by the former officer and is proven

45. [REDACTED]
[REDACTED]
[REDACTED]

46. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

47. [REDACTED]
[REDACTED]

48. This is proven. [REDACTED]
[REDACTED]
[REDACTED]

49. [REDACTED]
[REDACTED]
[REDACTED]

50. *This is proven.* [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

51. [REDACTED]
[REDACTED]
[REDACTED]

52. *This is proven. The panel finds that the former officer did send messages*
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

53. [REDACTED]
[REDACTED]
[REDACTED]

54. *This is proven.* [REDACTED]
[REDACTED]
[REDACTED]

55. [REDACTED]
[REDACTED]
[REDACTED]

56. This is proven. The former officer accepts that he has sent these messages. [REDACTED]

57. [REDACTED]
[REDACTED]
[REDACTED]

58. The panel finds that this duplicates 1.3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

59. [REDACTED]
[REDACTED]

60. This is proven. As said in response to allegation 1.8, the panel finds that the officer did send messages [REDACTED]

61. [REDACTED]
[REDACTED]
[REDACTED]

62. This is proven. The panel finds that the former officer sent messages

[REDACTED]
[REDACTED]

63. [REDACTED]

[REDACTED]

64. This is proven. Duplicates 1.3 and 1.9

65. [REDACTED]

[REDACTED]

66. This is proven. The panel finds that the officer did send messages [REDACTED]

[REDACTED]
[REDACTED]

Breaches of Standards of Professional Behaviour

67. The panel has considered the character evidence supplied. In relation to the standard of Honesty and Integrity, the panel finds that there has been a breach of this standard (Integrity only). When applying the Wingate test, it is clear to the panel that the officer's actions amount to a want of integrity. The public would not expect any police officer to engage in messages of this sort.

68. In relation to Discreditable Conduct, this is admitted by the former officer to a level of Misconduct only. The panel finds that there has been a clear breach of this standard as the public would not expect a serving police officer to share such messages [REDACTED]

Assessing Seriousness - Misconduct or Gross Misconduct

69. In assessing seriousness, the panel finds that the facts proven and the associated breaches of the standards of professional behaviour amounts to Gross Misconduct.

SANCTION

70. The AA then made submissions as to why the allegations found to have been proved to amount to gross misconduct would have warranted dismissal without notice, had the former officer not resigned.

71. The AA referred to the need for the panel to assess seriousness of the facts found proved by reference to culpability, harm, aggravating features and mitigating features, and then any personal mitigation.

72. The AA's written submissions were provided to the panel members before they retired to consider sanction and summarised as below.

Culpability

- deliberate choice to send messages
- conduct was intentional
- relevant section of guidance applicable – 4.09, 4.10, 4.13, 4.14
- the officer's conduct [REDACTED]
- relevant sections of the guidance applicable – 4.23

Harm

- reputational damage to West Midlands police and the police service nationally
- relevant section of guidance applicable – 4.64, 4.69, 4.70, 4.71, 4.74

Aggravating features

- regular, repeated or sustained behaviour over a period of time
- failure to raise concerns or seek advice from a colleague or senior officer
- continuing the behaviour after the officer realised, or should have realised that it was improper
- scale or depth of local or national concern about a particular issue
- relevant sections of the guidance - 4.75

Mitigating features

- qualified admissions
- the regulation 31 response demonstrates that he has not shown any genuine remorse/insight
- relevant section of guidance applicable – 4.81

73. The AA submitted for the reasons as set out above, the former officer would have been dismissed without notice had he still been in post.

Personal mitigation

74. The panel considered the matters set out in the regulation 31 response [Page A31 -32 paragraphs 23-25 and the character references submitted by the former officer [PAGES E1-E2].

Legal advice

75. As the former officer had resigned, the panel had to determine whether the officer **would have been dismissed without notice** if he were still a serving police officer, having found gross misconduct.

76. If the panel find the gross misconduct [as found proven] would not have warranted dismissal without notice, the proceedings are concluded at this stage, as no other sanction is available to the panel [as it cannot be enforced] given the former officer had resigned.

77. If the panel determined dismissal would not be justified, then no action would be taken, and the finding of gross misconduct would be recorded.

78. The panel had to have regard to the following: -

- Regulation 42[1] [3] [b] of 2020 Regulations set out the disciplinary action available to the panel , having found the conduct of the former officer amounts to gross misconduct .
- the guidance on outcomes in police misconduct proceedings ‘ the guidance’
- the record of police service of the former officer concerned as shown on the officer’s personal record. This must be considered. [regulation 42 [14] [a] 2020 regulations].
- any representations made by the AA [Regulations 42 [14] [iii] 2020 Regulations] but the panel was not bound by any representations.
- any written representations made by the former officer, and their legal representative [Regulations 42 [14] [iii] 2020 Regulations] but the panel was not bound by any representations.
- the panel when considering any sanction it would have imposed had the former officer not resigned, had to have regard to the need to uphold public confidence in and the reputation of the police service, upholding the high standards in policing , to deter misconduct and to protect the public [page 4 of the guidance].
- The purpose of any sanction is not to punish the former officer but to protect the public and to maintain high standards and the reputation of the police [page 5 of the guidance].

- The panel had to consider the seriousness of the former officer's conduct- having regard to culpability, harm, aggravating factors, mitigating factors , and any personal mitigation [pages 14-32 of the guidance]
- In relation to personal mitigation the panel were referred to page 37 at paragraph 6.8 & 6.9 of the guidance. The *case law confirms that the interests of the profession and the protection of the public, are more important than those of the individual officer,* [Williams v Police Appeals Tribunal [2016] EWHC 2708 [Admin] para 67 .Nonetheless personal mitigation is always relevant and should be taken into account.
- If dismissal would have been justified, personal mitigation would not justify a lesser sanction ‘ [page 37 at paragraph 6.6 of the guidance].

79. When asked, the AA's representative did not have any comments about the advice given by the LQP.

80. For avoidance of any doubt the LQP did not join the panel when they retired to consider sanction.

The panel's decision as to sanction

81. *Applying the guidance, the panel identified the following relevant factors:-*

Requirements of the panel

82. *In determining the appropriate outcome to impose, the panel is guided by the College of Policing "Guidance on Outcomes in police misconduct proceedings" to remember the purpose of the police misconduct regime which is threefold:*

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

Representations from the Appropriate Authority and Officer

83. *The panel has considered submissions made by the Appropriate Authority as well as the content of the Regulation 31 response.*

Outcome

84. *The panel is mindful that the College of Policing Guidance on Outcomes directs us to consider the least severe sanction in the first instance before moving to a more severe outcome.*

Culpability

85. [REDACTED] Overall, the panel finds culpability to be very high.

Harm

86. The panel finds the risk to public confidence in policing is high. [REDACTED] The panel finds harm to be high

Aggravating factors

87. The panel is careful not to double count with factors that have already been listed. Further factors that we have considered as aggravating elements include:
The panel finds that the officer was motivated by financial gain.

Mitigating factors

88. In terms of mitigating factors, the panel find there is no mitigation.
89. Overall, having considered all elements within the Fugler test, the panel concludes that the seriousness of these matters remains high and amounts to Gross Misconduct.

Personal Mitigation

90. The Panel has considered the officer's service record and notes. The panel has taken this into consideration but recognises that this has limited weight when considering the sanction.

Outcome

91. We have carefully considered the outcomes available to us which are dismissal without notice or no disciplinary action.
92. The panel has reminded itself of the threefold purpose of the misconduct regime. The panel determined that the only sanction that would achieve the threefold purpose of the misconduct regime in this case is dismissal without notice.

93. For the reasons set out above, the panel found had the former officer still been in post, he would have been dismissed without notice.

94. For avoidance of any doubt, given the panel's decision as to sanction, as set out at paragraph 92 , the former officer will be placed on the barred listed as is required by the College of Policing ,under Schedule 8 of the Policing and Crime Act 2017. The panel are not required to direct this, as inclusion on the list is automatic following the decision of the panel's finding that the action amounted to gross misconduct.

Julia Debenham
Chair

1st June 2026