

Accelerated Misconduct Hearing

Regulation 63 – Notification of Outcome

Officer:	DS 26768 Amitav Sarkar
Date:	26 th August 2026
Chair:	Debra Tedds

The Decisions of the Hearing

Allegation No.	Allegations (See Regulation 51 Notice)	Finding Proven / Not Proven	Outcome
	You commenced service, as a police officer, with West Midlands Police on 12 October 2022. You were employed by The Crown Office and Procurator Fiscal Service between March 2022 and 10 March 2025 as a Victim Information Advice Officer. It is alleged that you have breached the Standards of Professional Behaviour in that you: 1. Failed to disclose your employment ('a business interest') with the Crown Office and Procurator Fiscal Service to West Midlands Police, in contravention of force policy. In particular you: a) Commenced service with West Midlands Police whilst already employed by the Crown Office and Procurator Fiscal Service; b) Submitted 3 Annual Integrity Health Checks since beginning your employment with West Midlands Police, confirming: - i.) That you understand what a business interest is; and - ii.) That you have declared all business interests on each occasion. Your actions breached the following Standards of Professional Behaviour: Orders and Instructions – you failed to abide by police regulations and force policy in deliberately withholding pertinent information.		

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	Honesty and Integrity – you dishonestly asserted that you did not have any business interests whilst being aware that you are under a duty to disclose your secondary employment. Discreditable Conduct – your conduct has brought discredit on you as a police officer and policing generally. You have abused your position as a police officer by omitting relevant information from your Annual Integrity Health Check. Failing to declare this information is a significant breach of trust, causing a loss of public trust and confidence in the profession. Your conduct is considered so serious as to amount to gross misconduct.		
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The reasons for the decision as to Finding:

Prior to the hearing FO Sarkar made representations in relation to privacy and withholding his name from any media/publication sighting medical and personal reasons. [REDACTED]

After careful consideration of the representations made by both parties and balancing the needs of the officer and the purpose of accelerated misconduct hearings my determination in respect of those matters was notified to all parties on the 25th August 2026.

The default position for police misconduct hearings is they should ordinarily be conducted in public supporting open justice and transparency with any deviation from this requiring sufficient justification and should go no further than necessary. No medical evidence was forthcoming in order to support some of the representations. I saw no reason to move away from the presumption of open justice albeit recognised that there may be some personal embarrassment and discomfort caused by the prospect of adverse publicity.

In respect of an adjournment the officer was unable or unwilling to provide evidence to support his submissions [REDACTED]

[REDACTED] his submissions were somewhat vague. On balance, after considering the representations from all parties, I was not persuaded of the necessity to reschedule the hearing and therefore gave the officer the opportunity to appear before the hearing via video link.

DS Sarkar tendered his resignation with immediate effect on the 25th August 2026 and therefore these proceedings were dealt with under the Former Officer regulations.

I was satisfied that all the preliminaries had been complied with with all statements and documents properly served. The officer was aware of the hearing date and time and given opportunity to attend and chose not to. I was therefore satisfied that the hearing should continue in his absence.

I have read the papers and considered the representations made prior to and during the hearing.

The burden is on the Appropriate Authority (AA) to prove the allegations on the balance of probabilities and not on the former officer.

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The AA relied on the evidence of the tax audit conducted by the Office of Police Crime Commissioners (OPCC) that FO Sarkar was employed and receiving a salary from both West Midlands Police and Procurator Fiscal Office (Procurator Fiscal) for a sustained period of time. In addition, FO Sarkar completed a number of Integrity Health Check forms (IHC) where he did not disclose an additional role / business interest. He indicated on the forms that he knew what a business interest was and further that he did not have anything to disclose.

FO Sarkar admitted to misconduct which he also confirmed in email on the 24th August 2026 in as much as he was working for both organisations albeit denied gross misconduct detailing an amount of mitigation stating that he needed to continue to work for POF whilst pursuing a claim against them. It was not clear from the former officer's submissions as to which standards of professional behaviour he was admitting to to the level of misconduct.

Based on what I have heard and read, I find that the factual allegations against Former Officer Sarkar to be proven.

In my view this breached the standards of Orders and Instructions in that FO Sarkar failed to notify a business interest as required within policy and which he had completed the annual integrity health form to the effect that he had read the policy and understood it. He admitted to working for both organisations but did not declare as required.

In my view FO Sarkar breached the standards of Honesty and Integrity by completing the annual integrity health forms stating that he had no business interest to declare which was not the case. The public expect police officers to be truthful and have high levels of integrity.

In my view FO Sarkar breached the standard of Discreditable Conduct by not disclosing his additional employment with the Procurator Fiscal Office which he knew he was under a duty to do so. If this were known by the public, it would damage trust and confidence in bringing West Midlands Police and the wider service.

that he breached the standards of professional behaviour – namely Orders and Instructions, Honesty and Integrity and Discreditable Conduct.

In determining the seriousness of the breach of the professional standards of behaviour and having regard to the College of Policing guidance on outcomes and the definition of gross misconduct in regulation 2 of the regulations, in my view, these breaches of the standards of professional behaviour amount to gross misconduct, that is to say that is so serious that the officers dismissal would be justified.

The reasons for the decision as to Outcome:

In arriving at my decision, I have very carefully considered what the appropriate outcome is in this case and focused on the evidence within the bundle, written submissions and submissions at the hearing. I have also considered the officers record of service. No testimonials or character evidence was submitted.

As a former officer the only outcome that I can arrive at is either: -

- Disciplinary action – the former officer would have been dismissed had they still been a serving member of the Force or
- No disciplinary action.

In arriving at my decision, I have recognised the purpose of the police misconduct regime which is:

- 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

I have also utilised the College of Policing Guidance on outcomes to assist in determining the most appropriate outcome and assessing the seriousness of the proven conduct through culpability, harm, aggravating and mitigating factors before considering any personal mitigation.

I am mindful that the misconduct regime is not a punitive one and have considered less serious disciplinary sanctions before more serious ones and identified the least severe outcome which deals adequately with the issues identified whilst protecting the public interest.

Culpability

Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. Conduct that is intentional, deliberate, targeted, or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused.

I believe that the former officer's actions were deliberate, targeted and intentional whereby he sought to conceal the fact that he was employed and received a salary from both organisations. There is a requirement for officers to declare any business interest. FO Sarkar completed a number of annual integrity health checks recording that he understood the business interest policy. I believe that the former officer was given ample opportunity to disclose his business interest through pre-employment checks, annual integrity health checks and vetting but chose not to. It is clear that his behaviour was dishonest and that he would have personally and financially benefitted by receiving two salaries for a sustained period of time.

By the nature of the office of constable all police officers are in a position of trust and authority to members of the public. FO Sarkar was a Sergeant and therefore of supervisory rank. He would, by default, had to take other more junior officers through the annual integrity health check forms by being a supervisor and ensure other officers' understanding of the relevant policies including business interests to perform his role.

I assess culpability as high.

Harm

Harm caused by an officers actions can be considered in various ways. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, this can be taken into account.

If the public were to know about the circumstances of this case it is likely to undermine public confidence in policing and reputational damage to West Midlands Police and the wider service.

There is an expectation from the public that police officers are honest.

I assess the level of harm as high.

Aggravating Factors

Aggravating factors are those tending to worsen the circumstances of the case in relation to the officers culpability of the harm caused.

I have sought to avoid double counting either within the list or with the factors already considered as part of my assessment.

I have already made reference to the fact that I believe that the officer's actions were premeditated, planned, targeted and deliberate. That he would have gained personally and financially by not disclosing his employment with POF and that I see this as an abuse of his position and authority within the service

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by being a supervisor and role model. By failing to disclose his employment with Procurator Fiscal he sought to conceal his wrongdoing and was dishonest.

The conduct continued for a prolonged period of time – over 2 years.

Multiple breaches of the standards of behaviour have been proven against the officer which is a further aggravating factor.

Mitigating Factors

Mitigating factors are those tending to reduce the seriousness of the misconduct.

I have considered the former officer representations around mitigation and personal mitigation where he states that he needed to keep working for the Procurator Fiscal whilst he pursued a claim against them. In my view, this did not prevent him from disclosing the business interest as per policy. He also went further and completed each annual integrity health check form stating that he understood the business interest policy and that he did not have any to declare.

The former officer did admit to misconduct but denied gross misconduct and was not clear as to which standards of professional behaviour he admitted to having breached.

I see no evidence of any remorse, insight or acceptance that the officer's actions were regretted or reflected on public confidence or the reputation of the force. He has, in fact, sought to justify his actions by stating he had no other option due to the proceedings that were on going with the Procurator Fiscal and has not taken any responsibility for them.



I have decided, in the circumstances, that the only appropriate outcome to reflect the seriousness of the proven conduct would have been dismissal without notice. I therefore impose Disciplinary Action as defined by the Police (Conduct) Regulations 202.

The former officer's details will be placed on the College of Policing barred List.

Reg 63(2) Right of Appeal:

You have a right of appeal against the outcome under the following circumstances: -

- a) the finding or outcome was unreasonable;
- b) there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; or
- c) there was a breach of the procedures or other unfairness which could have materially affected the finding or decision on outcome.

Should you wish to appeal this must be done to the Police Appeals Tribunal by writing to the Police and Crime Commissioner, West Midlands Office for Policing and Crime **within ten working days** beginning with the day after receipt of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the chair. You have the right to be legally represented at the appeal hearing.

Decision on Publication:

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Chair's Signature:	DJ Tedds	Date:	3 rd September 2026