

IN THE MATTER OF A POLICE MISCONDUCT HEARING
PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020

DEVON & CORNWALL POLICE.

Appropriate Authority

v.

FORMER DS 14445 JON MCLOUGHLIN

NOTICE UNDER REGULATION 43

OUTCOME OF MISCONDUCT HEARING

Hearing Details

5th - 7th May 2026 held in person at Reed Hall, Exeter.

Panel

Retired ACC Ian Saunders – Devon & Cornwall Police (Chair)

Mr. Michael Watkins (Independent Panel Member)

Mr. Geoffrey Brighon (Independent Panel Member)

Mr. Adeolu Odusote (Legally Qualified Person)

Representatives

Counsel for the Appropriate Authority – Mr. Mark Ley-Morgan

Counsel for the former officer – Mr Tomas McGarvey

Terminology:

“AA” - Appropriate Authority

“LQP” - Legally Qualified Person (the legal advisor to the Panel)

“The former officer” - Former DS John DS McLoughlin

“The Guidance” - College of Policing Guidance on Outcomes on Police Misconduct Proceedings.

Introduction

1. This is the record of a Police Misconduct Panel held under the Police (Conduct) Regulations 2020 (as amended) into the conduct of the former officer.
2. The hearing was conducted in person at Reed Hall, Exeter. Members of the public were permitted to attend, however none did so. The former officer was present throughout the hearing.
3. It had been agreed by both parties in advance of the hearing that anonymity would be granted to the victim of the alleged misconduct by the former officer. This person is referred to as Ms. X in this Regulation 43 report.
4. Following submissions received by the Chair, the former officer's application for anonymity was refused. A full decision with supporting rationale for this direction was provided to both parties in advance of the hearing.
5. The former officer retired from Devon and Cornwall Police whilst under investigation. His last day of service was 10th December 2024 and he was therefore dealt with during this hearing under the former officer provisions of the Conduct Regulations.
6. During this hearing, live oral evidence was heard from the following witnesses:
 - i. Ms. X
 - ii. The former officer
 - iii. Mrs. Gemma McLoughlin.
7. The Regulation 30 Notice was served on the former officer which specified a number of allegations. To assist the reader of this Regulation 43 notice, the allegations contained within the Regulation 30 notice have been copied into this notice as per below.

Allegations

Alleged Facts

1. During the Easter weekend in 2022 whilst you were off duty:

- (a) You were on a caravan holiday in Dorset with your wife and a female neighbour ("Ms. X") and her daughter.
- (b) You knew that Ms. X was vulnerable following the breakdown of her marriage.
- (c) You and Ms. X were in the lounge of the caravan. Ms. X's daughter was in bed.
- (d) You removed Ms. X's glasses and told her that she was much more beautiful without them.
- (e) Ms. X was wearing a skirt and you placed your hand on her thigh and moved your hand up.
- (f) Ms. X moved away and made it clear that she was not interested in you.
- (g) Ms. X said she was going to bed.
- (h) You suggested that the two of you go to bed together. Ms. X said 'no'.

2. Between 2022 (sic) and August 2024 whilst you were off duty you made a number of inappropriate sexualised comments to Ms. X, including:

- (a) "Have you started dating yet?"
- (b) "I think you should start having one night stands, you should start having sex."
- (c) "What kind of sex are you into?"

3. Ms. X made it clear that your sexualised comments were unwelcome, but you continued to make them.

4. Your behaviour towards Ms. X caused her to feel scared, intimidated and harassed.

Alleged Breach – Authority, Respect and Courtesy

You have breached the Standard of Professional Behaviour concerning Authority, Respect and Courtesy because you have failed to:

- i. Act with self-control.
- ii. Treat Ms. X with respect and courtesy.

Alleged Breach - Discreditable Conduct

Your behaviour brings discredit upon the police service and undermines confidence in it because a right-minded member of the public would be justifiably concerned that a police officer had made unwanted sexual advances and/or made unwanted sexualised comments to a female neighbour thereby causing her to feel scared, intimidated and harassed.

It is alleged that your behaviour both singularly and collectively amounts to gross misconduct and it is in the public interest that your name be added to the College of Policing barred list.

Purpose of misconduct proceedings

8. In *R (On the application of Redgrave) v Commissioner of Police of the Metropolis* [2003] EWCA Civ 4 at [33], Simon Brown LJ made it clear that the character and purpose of misconduct proceedings was

“to protect the public and to maintain the high standards and good reputation” of the policing profession”.

9. In *R (Green) v Police Complaints Authority* [2004] UKHL 6 Lord Carswell stated [para 78]:

“Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that

confidence will be eroded.”

The Panel's Approach

10. During this hearing, the Panel took the following approach:
 - i. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA.
 - ii. Second, to determine whether those facts found proved constituted one or more breach(es) of the relevant standards.
 - iii. Third, to determine whether any conduct found proven against the officer amounted to misconduct or gross misconduct.
 - iv. Fourth, and if appropriate, to decide what the outcome should be.
11. The Panel reminded itself that the burden of proof was upon the AA throughout the hearing and that the standard of proof to be applied to this case was upon the balance of probabilities, namely what was more likely than not to have occurred.
12. The Panel also reminded itself of the Home Office Guidance (Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 2020) and, in particular, paragraph 9.10 which states:

“In deciding matters of fact, the persons conducting the misconduct meeting or hearing must apply the standard of proof required in civil cases, that is, the balance of probabilities.”
13. In approaching its task, the Panel had borne in mind that:
 - (i) They did not have to decide every matter of dispute, only those which assisted them to whether those allegations were proved.

- (ii) That they could draw inferences from the evidence submitted to them, meaning they could reach common sense conclusions from the evidence, but that they should guard against falling into speculation when reaching those conclusions.

Documents and Evidence

- 14. The Panel were provided with the following documents and evidence in advance of the hearing:
 - a) A main bundle of 171 pages that had been agreed by both parties.
 - b) Body Worn Video exhibits and a 101-call recording that were provided to the Panel before the hearing
- 15. During the hearing the Panel were provided with a further bundle of mobile phone messages from the device owned by the former officer's wife. This bundle was presented as exhibit GSM/1 and was provided by Counsel for the former officer.
- 16. The AA provided the Panel with a helpful opening note.

Findings of Fact

- 17. The Panel approached the first stage of their considerations by assessing the facts presented by the AA, the evidence provided in the agreed and additional bundle, the video and audio recordings and the evidence provided by live witnesses during the hearing.
- 18. It was an agreed fact between both parties that Ms. X and her daughter were on a caravan holiday with the former officer and his wife during the Easter weekend of 2022. It was also agreed that during the evening of Friday 15th April 2022, the former officer and Ms. X were alone and sat together in the caravan lounge area after she had put her daughter to bed. In his Regulation 31 response, the former

officer further agreed that during this encounter he had tried to console Ms. X by telling her that she was not a bad mother, that she was beautiful and that she should 'stop putting herself down regarding her appearance'. He stated that his sole intention during this interaction was to console Ms. X by 'saying nice things'. He stated that he moved closer to console Ms. X and in doing so he rested his hand on her leg. He denied moving his hand upwards. He stated that there was no sexual intention during this interaction with Ms. X. The former officer admitted to removing Ms. X's glasses because they had become covered in tears and he handed her a tissue to wipe her eyes.

19. The Panel heard the recording of the telephone call that Ms. X made to 101 on 10th September 2024 in which she described the behaviour of the former officer. The Panel found that Ms. X appeared to sound 'shaky' and nervous during the call. She described how the former officer had made a number of sexually suggestive comments to her over a prolonged period of time and how his constant watching of her made her feel that she was 'living in a goldfish bowl'.
20. In this call Ms. X described the events at Easter 2022 when she and her daughter were invited to spend the weekend with the former officer and his wife at a caravan park in Poole. She described how, following a telephone call from the former officer to advise her daughter was distressed, she returned to the caravan alone on Friday 15th April 2022 to find the former officer holding and kissing her 11-year-old daughter in order to console her.
21. During the former officer's evidence to the hearing, he admitted to having been kissing Ms. X's daughter but only because he was seeking to comfort her and reduce the distress that she was feeling. He stated that she was upset that her mother, Ms. X had left her that evening to be with his wife and a number of others who were celebrating a 40th birthday in Poole town centre.
22. The Panel noted that Ms. X did not over-react to seeing the former officer kissing her daughter when she returned to the caravan or afterwards. They felt this was evidence of a measured approach taken by Ms. X to the situation. The Panel determined that the fact that she had not sought to make any allegations against

the former officer for matters linked to this was in their opinion evidence of her balanced and considered response to the events of that evening.

23. During her evidence, Ms. X stated that she had been too scared to tell anyone about these events as the former officer had been a serving police officer at the time of the alleged events. She stated that she felt that no one would have believed her and that she also did not want to spoil the former officer's wife's friend's 40th birthday party celebrations by reporting what had happened to her during the previous evening.
24. Ms. X further stated that she was fearful of the reaction of her ex-husband had she reported the matter immediately during that Easter weekend. She informed the Panel that she felt ashamed of having left her daughter in the care of the former officer who she knew had been drinking alcohol during the day.
25. When asked why Ms. X had gone away for the caravan weekend In April 2022 despite her allegation that the former officer had made sexualised comments to her since January 2022, she stated that she was invested in her friendship with his wife. She stated that for her not to have proceeded with the Easter weekend trip would have been unfair to the former officer's wife who she regarded as a close friend at that time. The Panel were persuaded by this explanation given by Ms. X.
26. Ms. X stated to the Panel that she accepted that she could have made better choices that night about leaving her daughter with the former officer. She did however state that this did not lessen the behaviour of the former officer that formed the basis of the allegations being considered by the Panel. The Panel found in favour of this position.
27. During her evidence to the Panel, Ms. X described the events of that evening in the caravan after she had put her daughter to bed. She stated that the former officer had told her that she was beautiful, how he removed her glasses, told her she was more beautiful without them and placed his hand on her leg over her skirt.

28. During cross examination, Counsel for the former officer suggested to Ms. X that the former officer's actions were his attempt to console her and not motivated by any form of sexual intent. Ms. X did not accept this point. It was also put to Ms. X that whilst the former officer had admitted that he did put his hand on her leg to console her, he did not move it up her leg. Ms. X insisted that he did move it up her leg.
29. Ms. X stated in her evidence that after he had put his hand on her leg and moved it upwards, she had moved away from the former officer. She told him that she was not interested in him and that she then went to bed after he had asked her to go to bed with him (for sex) which she had refused.
30. Counsel for the former officer took Ms. X and the Panel to page 68 of the bundle (email sent from Ms. X to Detective Sergeant Andy Spence). Counsel put it to Ms. X that in her email to DS Spence, she described how the former officer did put his hand on her leg but that she did not state that he moved it up her leg. Ms. X stated that she had been overwhelmed when she wrote the email to DS Spence and even though she didn't record it in this message, the former officer did move his hand up her leg during the alleged incident.
31. The Panel considered the former officer's Regulation 31 response in which he admitted that he had told Ms. X that she was beautiful during the alleged incident in the caravan. In his evidence before the Panel, the former officer adopted a different position and was instead now adamant that he had not said this to Ms. X. The former officer instead stated that he had described Ms. X as 'a beautiful person'.
32. When challenged by the AA to account for the different position being advanced during his evidence in contradiction of the account he had provided in his Regulation 31 response, he stated that he had not had time to properly assess the content of this document. He stated that the document had been prepared by his lawyer and that when it was sent to him for review, he was committed with his employment as a delivery driver. He stated that he had therefore not carefully read the content of this document and that he did not rely upon it as an accurate description of his actions.

33. The Panel did not accept that explanation as the former officer had not asked for it to be changed before the start of the hearing as his Counsel had done so for another matter on the Regulation 31 notice. The Panel found that the former officer had been provided with more than sufficient time to carefully consider the content of such an important document. They further found that as a former detective, the former officer would have been aware of the importance of ensuring accuracy in such documents.
34. The Panel found that the former officer's account of his actions in the caravan i.e. placing his hand on Ms. X's leg, removing her glasses and saying that she was a beautiful person could not fairly be described as the actions that a person would take to console a friend in the state of distress she was in.
35. During cross examination, the former officer was directed to paragraph 17 of his Regulation 31 response in which he stated that Ms X's glasses were covered in tears. It was put to him that in his earlier evidence to the Panel, he had stated that Ms. X was sat upright on the caravan sofa and therefore it was not possible that her glasses would have been 'covered in tears' as he had described. The former officer was unable to provide a response to this indicated discrepancy.
36. The former officer then changed his submission during cross examination and stated that Ms. X's tears were instead over the lenses of her glasses which was why he took her glasses off her head. The Panel found the evidence provided by the former officer to be inconsistent, unconvincing and lacking in credibility.
37. In their assessment of the former officer, the Panel also found that the evidence he provided was often defensive and inconsistent. During cross examination the former officer indicated to the Panel at one point that he would provide 'flippant' responses to the questions being put to him by Counsel for the AA. In response to a challenge from the Panel following this comment, the former officer offered an apology. Whilst the panel recognised the stressful nature of the hearing for the former officer, they determined that as an experienced police officer the former officer should not have responded in this manner to reasonable lines of cross examination being advanced by the AA.

38. In contrast, the Panel found that Ms. X presented as a consistent and calm witness when providing her evidence to the hearing. The Panel found that Ms. X provided balanced evidence and had not sought to embellish any evidence e.g. in her response to the actions of the former officer when he was observed kissing her 11-year-old daughter.
39. During evidence presented by the former officer and in their closing submissions (paragraphs 46 and 47), it was submitted that the failure of Ms. X to disclose the events in the caravan and her delay in reporting the allegations to the police for two years was indicative of her not being truthful in the evidence that she had provided.
40. The Panel were assisted in addressing this important defence submission by the AA's reference to the Crown Court Compendium 2025 (revised March 2026) (Chapter 20) which states that:

In D the Court of Appeal accepted that a judge may give appropriate directions to counter the risk of stereotypes and assumptions about sexual behaviour and reactions to non-consensual sexual conduct. In short, these were:

- (i) *Experience shows that people react differently to the trauma of a serious sexual assault, that there is no single, classic response;*
- (ii) *Some may complain immediately whilst others feel shame and shock and do not complain for some time; and*
- (iii) *A late complaint does not necessarily mean it is a false complaint.*

The court also acknowledged that a judge is entitled to refer to the particular feelings of shame and embarrassment which may arise when the allegation is of sexual assault by a partner. There may be cases where guidance on myths and stereotypes may be appropriate to benefit a defendant

41. The Panel carefully considered this submission provided by the AA in relation to Ms. X.

42. During her evidence Ms. X was asked to account for her delay in reporting the alleged incidents to the police. She stated that during the two-year period between the alleged incidents and her calling the police in September 2024 she had felt scared because she was having issues with her ex-husband which she felt would be aggravated by her reporting matters. She stated that because the former officer had been a serving police officer at the time of the alleged incidents she wouldn't have been believed. She further stated that over the two-year period several of her friends had told her that she needed to report the matters to the police. She also described how she had been feeling vulnerable and a failure during this period and not strong enough to take the positive step required by reporting matters to the police.

43. The defence provided the Panel with references to case law they submitted was relevant to its assessment of witness reliability (paragraphs 74-82 of their written closing submissions). They stated that the recollections of Ms. X should be treated with caution by the Panel and that her demeanour should not be a credible method of judicial decision making. The defence submitted that:

- (i) In approaching fact-finding, take care to avoid considering any one piece of evidence in isolation. Consider the reliability of a piece of evidence globally;
- (ii) Witness evidence is one part of the evidence and is rarely the only part;
- (iii) Objective evidence, including any contemporaneous records or documents ought to be considered first; and
- (iv) The demeanor or confidence of a witness's evidence is not always a reliable measure of truthfulness. The key question is reliability not credibility.

44. In response to the defence submission that the Panel should consider contemporaneous records or documents before any assessment of witness evidence, they carefully reviewed the evidence provided by DS Spence. DS Spence had provided a witness statement dated 20th November 2024 (page

55 of the agreed bundle) in which he described his discussion with Ms. X on 22nd May 2022. DS Spence described how Ms. X was upset when they spoke and how she disclosed details of the events that form the basis of the allegations subject of this misconduct hearing. DS Spence described how he spoke with Ms. X the following day and she stated that she would email him a written record of the matters she had described to him. These emails were exhibited as items AC3 and AC4 and provided to the Panel in the agreed bundle at pages 68-70.

45. The panel carefully considered how contemporaneous they should regard the accounts provided to DS Spence were given the delay between the alleged events in the caravan on Friday 15th April 2022 and Ms. X's disclosure to DS Spence on 22nd May 2022. The Panel sought legal advice from Mr. Odusote on this point and were advised that in the absence of relevant caselaw on this point, a common-sense approach should be adopted.
46. The Panel determined that the accounts provided by Ms. X to DS Spence were sufficiently contemporaneous to allow them to form an assessment of her credibility and consistency. Having also carefully considered the evidence provided by Ms. X and with reference to the Crown Court Compendium referenced at paragraph 40 above, the Panel determined that the reasons she provided for the delay in reporting the alleged incidents to the police were understandable and did not reduce their assessment of her credibility as a witness.
47. The Panel carefully considered an apparent inconsistency in the evidence provided by Ms. X to the hearing. In May 2022, Ms. X had stated to DS Spence that the former officer used his hands to touch her legs (plural) whilst in the caravan. In her evidence to the hearing Ms. X instead stated that the former officer used only one hand to touch only one of her legs.
48. The Panel found that the reliability of Ms. X was not reduced by this correction. Instead, they found that she had instead sought to correct the nature of the allegations against the former officer rather than to embellish them. In addition,

the Panel found it more likely than not that when she provided her account to DS Spence, she would have been in a state of some distress and anxiety which may explain this single inconsistency.

49. Having considered the factors described above, the Panel determined that Ms. X was a truthful and credible witness.

50. The Panel then considered the evidence provided at page 71 of the agreed bundle which showed a message sent from the former officer's mobile telephone at midnight on the 7-8th May 2022 to Ms. X saying; "Come over x". During his evidence to the hearing, the former officer initially refused to accept that he had sent this message but subsequently confirmed that he had done so but that he could not provide any reason why he had done so.

51. The AA put it to the former officer that when he sent the message, his wife had been away for the weekend with her friends in Bristol. The AA stated that the former officer had been drinking alcohol at the time and that it had been sent with malign intent for reason of seeking sexual gratification. The Panel found that the former officer's use of an 'x' on his message was more likely than not supportive of its finding that the message had been sent with a sexual intent. When asked to account for his use of the 'x' in the message, the former officer failed to provide a response that the Panel felt was credible when assessed against the totality of the evidence presented to the hearing.

52. The Panel noted the evidence provided by Ms. X in which she stated that this message was sent to her a very short time after her friend had left her house. Ms. X stated that the timing of the message arriving so soon after her friend leaving had not been coincidental and was corroborative of her allegation that the former officer would watch her from his house.

53. The Panel were not provided with any evidence from this friend to corroborate Ms. X's evidence that she had left just before the former officer sent the message. On that basis, the Panel were unable to add any weight to the timing of the message sent by the former officer against the departure of Ms. X's friend from the house.

54. Nonetheless, the former officer was asked if the fact that he sent the 'Come over x' message to Ms. X only a short time after her friend had reportedly left was a coincidence. The former officer's response was 'I don't know'. The Panel found this response unconvincing as they felt it unlikely to have been coincidental when combined with the agreed fact that the former officer's wife was away that night.
55. The Panel found that the failure of the former officer to provide a rational explanation for his sending of this message fundamentally reduced their assessment of his truthfulness and credibility. The Panel further found it more likely than not that the message was sent to Ms. X with a sexual intent and that it was not coincidental that the former officer's wife was away in Bristol when this message was sent.
56. The Panel then considered the exchange of messages between Ms. X and the former officer provided at page 72 of the agreed bundle. The bundle shows that at 13.41hrs on 23rd May 2022, Ms. X sent the former officer a message stating that she was not interested in him in anyway, that there had been a number of incidents of him speaking to her inappropriately including his offering her sex and once of when he touched after she had asked him to stop. In the message she also stated that she had written an email to a family friend who was a police officer listing the events that had made her feel uncomfortable or unsafe.
57. The bundle shows that the former officer responded at 1346hrs on the same date stating '...Message received loud and clear. I am sorry I have upset you and sorry you have had to say this'. At 1348hrs the officer sent Ms. X a message stating 'I also want to say that I am really sorry that I made you uncomfortable'. At 1357hrs he sent a message stating 'I have said inappropriate things which I have passed off as banter. Can you please clarify how I touched you? Why did you tell me this by message?'. The former officer then sends a final message at 1357hrs stating 'I am sorry'.
58. The Panel found that the message sent by Ms. X at 1341hrs was entirely

consistent with the evidence she had provided to the hearing. The former officer stated in his evidence that he had apologised to Ms. X via these messages, despite his denial of the allegations, because he did not want to 'gaslight her'.

59. Given the serious nature of the allegations made by Ms.X in her message to him, the Panel did not find as credible or believable that the former officer would have simply apologised to her if he had not committed the actions alleged. The Panel also noted the apparent contradiction in the defence advanced by the former officer that he had apologised to her as he did not wish to 'gaslight her'. Whilst the Panel assessed that the former officer had misunderstood the true meaning of this term, they noted that he still felt prepared to challenge her in his message at 1357hrs where he asked Ms. X to clarify 'how I touched you?' and 'why did you tell me this by message?'
60. The Panel noted that the former officer stated in his evidence that when he asked Ms. X to clarify how he had touched her, he did so because he couldn't recall a time when he had touched her. Given the written admissions made by the former officer in his Regulation 31 response that he had put his hand on her to console her, the Panel found this response from the former officer to be inconsistent and unconvincing. The former officer also stated in evidence that he did not know what Ms X meant by her messages and did not discuss what had happened in the caravan with his wife at that time. However, this was contradicted by the evidence of Mrs McLoughlin who said that they had discussed what happened in the caravan in the context of these messages.
61. The Panel found the responses sent by the former officer in these messages was more likely than not to have been an acceptance of the allegations made by Ms. X in her message to him at 1341hrs and that the responses were consistent with Ms X's evidence of what had happened.
62. The Panel also considered a letter which Ms. X delivered to the former officer's house whilst he and his wife were away on holiday (at page 73 of the agreed bundle). The letter describes Ms X's account of what happened in terms which

are consistent with her account to DS Spence, her messages to the former officer, and her evidence to the Panel.

63. The Panel next considered the allegation that the former officer continued to access the house of Ms. X despite his bathroom fitting having been completed. The evidence provided to the Panel indicated that the former officer's bathroom was fully functional before 7th May 2022. They further found that the former officer had let himself into Ms. X's house on 7th May 2022 to use the toilet which scared her and that he would have seen her reaction to his being in her house.
64. The Panel then considered the allegation that the former officer engaged in unwelcome conversations of a sexual nature with Ms. X. The former officer agreed in his evidence that he had spoken to Ms. X about her moving on in relationships but stated he had never asked her about her engaging in 'one-night stands'. This denial was not supported by his wife who stated in evidence that she had witnessed the former officer ask Ms. X about having 'one-night stands'. The Panel therefore found it more likely than not that the former officer had engaged Ms. X in the inappropriate sexualized conversations detailed at Alleged Facts 2 (a) – (c).
65. The Panel were not however provided with evidence that supported the Alleged Fact 3 that Ms. X had made it clear to the former officer that his alleged sexual comments were unwelcome. In her evidence under cross examination, Ms. X stated that she may have not felt brave enough or have had the confidence to challenge the sexual comments made by the former officer towards her. As such, the Panel did not find Alleged Fact 3 proven.
66. In the closing submission for the former officer, it was submitted that the comments that the former officer did accept he made to Ms. X were 'uttered in the ecosystem of immediate neighbours who were becoming increasingly closer as friends, and in circumstances where friendly conversation and humour is natural and appropriate'. The Panel rejected this submission on the basis that the comments made to Ms. X were unwelcome, of a highly personal nature and caused her distress at a time when she was feeling vulnerable. Further, the panel accepted the evidence of Ms. X that most comments were made when

the former officer had opened his front door to Ms. X and when they were alone.

67. During her evidence to the Panel, Ms. X stated that she had suffered from years of marital abuse and unhappiness that had left her feeling vulnerable. By January 2022 when the allegations subject of this hearing began, she had separated from her then husband since July 2021. In her evidence to the Panel, Ms. X described how the former officer and her (now) ex-husband appeared to form a friendship after they had separated. Ms. X stated that this was evidence of the former officer 'preying on her' because she was vulnerable. Given the fact that Ms. X was a good friend of the former officer's wife, the proximity of their respective properties and the length of their time living in that close proximity, the panel found it more likely than not that the former officer would have known that Ms. X was vulnerable following the breakdown of her marriage.
68. Following its assessment of the evidence provided before and during the hearing, the Panel found it more likely than not that the former officer had behaved in a way towards Ms. X that caused her to feel scared, intimidated and harassed.
69. In cases such as these, the Panel recognise the challenges presented by assessing allegations made by one party when denied by the accused party with no direct independent corroborative evidence available. In such cases, the Panel is required to determine the credibility of each party in its assessment of which of the accounts provided is more likely than not to be the more truthful and reliable.
70. The Panel have determined that Ms. X was a credible and consistent witness based upon the consistency of her evidence to the Panel supported by the near contemporaneous documentary evidence also provided. The Panel found that the former officer had admitted to a number of her allegations and that she had no motivation for making false complaints.
71. The Panel found the former officer to be a less credible witness. The former officer failed to provide convincing or consistent responses to a number of allegations and facts put to him during the hearing. During his evidence, the

former officer stated that he had 'no reason to lie' in response to the allegations made. The Panel did not find this to be a credible or believable response to the allegations made. They found that the actions of the former officer towards Ms. X were sexually motivated and that he did have cause to lie given his marriage to Mrs McLoughlin. The Panel found that the evidence provided by the former officer's wife that she had witnessed him asking Ms. X about having 'one-night stands' was further evidence of his lack of credibility and truthfulness.

72. Having carefully considered the evidence provided and assessed the credibility and reliability of Ms. X and the former officer, the Panel found the following alleged facts as proven:

Alleged Facts

1. (a) – (i): Proven
2. (a) – (c): Proven
3. Not Proven
4. Proven

Determination of Breaches of the Standards of Professional Behaviour

73. Having conducted the fact-finding assessment against each of the disputed facts in this hearing, the Panel then determined which of the alleged breaches of the Standards of Professional Behaviour (SPB) had been proven by the AA against the former officer.

74. The Panel reminded itself once again that the burden of proof had been upon the AA throughout the hearing and that the standard of proof required was upon the balance of probabilities, namely what is more likely than not to have occurred.

Alleged Breach: Authority, Respect and Courtesy

75. The Panel found that:

- a) The former officers proven actions were evidence that he had failed to act with appropriate self-control and that he had failed to treat Ms. X with respect and courtesy
- b) His proven actions would damage the reputation of the police
- c) His proven actions against Ms. X could reasonably have been perceived to have been abusive, oppressive, harassing and offensive by the public or his policing colleagues.

76. In the circumstances, the Panel determined that the former officer's proven conduct amounted to a breach of SPB, namely Authority, Respect and Courtesy.

Alleged Breach: Discreditable Conduct

77. The Panel considered that the proven conduct of the former officer would bring discredit upon the police service. They found that the former officer's proven conduct would undermine confidence in the police service because any right-minded member of the public would justifiably be concerned that a police officer had acted in the way that the former officer did towards Ms. X.

78. In the circumstances, the Panel determined that the former officer's proven conduct amounted to a breach of SPB, namely Discreditable Conduct.

Misconduct or Gross Misconduct

79. The Panel was then required to decide whether the former officer's proven conduct amounted to misconduct or gross misconduct. In doing so, the Panel

reminded itself that misconduct means a breach of the SPB that can justify disciplinary proceedings and that gross misconduct means a breach so serious as to justify dismissal.

80. In accordance with the Guidance on outcomes in police misconduct proceedings the Panel assessed the seriousness of the proven conduct in accordance with paragraph. 4.3.

81. Having considered seriousness, the Panel determined that the proven conduct of the former officer was so serious that it could justify dismissal as a potential outcome.

82. Accordingly, the Panel concluded that the former officer's proven breaches of the SPB amounted to **Gross Misconduct**.

Determination of Outcome

83. Following its decision on the level of breach, the Panel was provided with submissions from the parties for the purpose of assisting them in determining the outcome in this hearing.

84. In their submissions on outcome, the AA stated that as a former officer the panel faced a binary choice between no disciplinary action or a determination that he would have been dismissed without notice if still serving.

85. The AA reminded the Panel that they should consider the least serious outcome first however when they considered the purposes of the police misconduct process, the only appropriate outcome would be dismissal without notice.

86. The AA stated that the proven conduct of the former officer was sexual harassment against a vulnerable victim and that paragraphs 4.40-4.43 of the Guidance were engaged.

87. The AA stated that any good character evidence provided by the defence would carry less weight in police misconduct proceedings given the purpose of those proceedings. The AA submitted that any personal mitigation advanced by the former officer would not justify a lesser outcome when dismissal is the outcome decision where serious misconduct had been found proven.
88. Counsel for the former officer submitted that the Panel should regard him as a serving officer when assessing the relevant facts. They stated that the proven conduct was not undertaken whilst the former officer was on duty and that the Panel should therefore carefully consider whether dismissal without notice would have been an appropriate outcome. The defence then submitted that had he still been serving, an appropriate outcome would have been that the former officer would have been reduced in rank.
89. In response to the former officer's submission that a reduction in rank would have been an appropriate outcome, the AA stated that this would not have been appropriate. The AA stated that the proven conduct of the former officer would have made him unfit and unsuitable to remain as a serving police officer and therefore a reduction in rank would not have been an appropriate outcome had he still been serving.
90. Having heard these representations, the Panel then re-considered its assessment of the seriousness of the proven conduct to inform its decision making on the appropriate outcome.
91. In determining the appropriate disciplinary action in this case, the Panel once again had regard to the Guidance on Outcomes in Police Misconduct Proceedings.
92. The Panel was also mindful of the principles set out in *R (Chief Constable of Greater Manchester Police) v Police Misconduct Panel & Roscoe* (HHJ Pelling QC sitting as a High Court Judge, November 2018) in which the Administrative Court emphasizes the importance of following the structured 3 stage approach as set out in the Guidance. The Panel adopted this approach in its decision making.

93. In making this determination, the Panel gave regard to the College of Policing Guidance on Outcomes on Police Misconduct Proceedings to assist them in their assessment.

94. The Panel reminded itself that Regulation 2(1) of the 2020 Regulations defines misconduct as being ‘a breach of the standards of professional behaviour that is so serious as to justify disciplinary action’ whilst gross misconduct is defined as ‘a breach of the standards of professional behaviour that is so serious as to justify dismissal’.

95. The Panel further reminded itself that the purpose of the police misconduct regime is to: maintain public confidence in and the reputation of the police service; uphold high standards in policing and deter misconduct; and protect the public.

96. The Panel were mindful of Paragraph 4.3 of the Guidance which advises that an assessment of seriousness of the proven misconduct is by reference to:

- a) the officer’s culpability for the misconduct
- b) the harm caused by the misconduct
- c) the existence of any aggravating factors
- d) the existence of any mitigating factors

97. The Panel were assisted by *Fuglers LLP v Solicitors Regulation Authority* [2014] EWHC 179 (Admin), paragraph 29:

“In assessing seriousness the most important factors will be (1) the culpability for the misconduct in question and (2) the harm caused by the misconduct. Such harm is not measured wholly, or even primarily, by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover the seriousness of the misconduct may lie in the risk of harm to which the misconduct gives rise, whether or not as things turn out the risk

eventuates. The assessment of seriousness will also be informed by (3) aggravating factors (eg, previous disciplinary matters) and (4) mitigating factors (eg, admissions at an early stage or making good any loss)”.

98. The Panel was mindful, cautious and careful not to engage in double counting when assessing the seriousness for the purpose of determining an outcome.

Culpability

99. The Panel first turned to its assessment of culpability for the proven conduct and were assisted by paragraphs 4.9-4.16 of the Guidance.

100. Paragraph 4.10 of the Guidance states that 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.

101. The Panel found that the former officer's proven conduct towards Ms. X had been intentional and deliberate. As such, they found that paragraph 4.10 of the Guidance was engaged in its assessment of the officer's culpability.

102. The Panel also found that the former officer's proven conduct was motivated by and amounted to sexual impropriety. As such, they determined that paragraph 4.40 of the Guidance was engaged in its Panel's assessment of the officer's culpability.

103. For these reasons, the Panel found that the level of culpability for the former officer's proven conduct was **High**.

Harm

104. The Panel next turned to its assessment of the harm caused by the former officer's proven conduct and were assisted by paragraphs 4.63-4.64 of the Guidance.

105. The Panel found that the former officer's proven conduct resulted in psychological distress to Ms. X.

106. The Panel also carefully considered paragraphs 4.66-4.74 in its assessment of the effect on the police service and/or public confidence of the proven conduct by the former officer. The Panel determined that public confidence in the police service would be harmed if the circumstances of the former officer's proven conduct were known to the public.

107. Following its review of the Guidance, the Panel determined that the level of harm arising from former officer's proven conduct was **High**.

Aggravating Factors

108. The Panel were assisted by paragraphs 4.75-4.78 of the Guidance in their assessment of aggravating factors in this case. The Guidance states that when certain factors are engaged, the level of culpability or harm may increase.

109. The Panel identified the following aggravating factors from the proven conduct of the former officer:

- a) The proven conduct was directed at a vulnerable victim.
- b) The former officer had engaged in regular, repeated or sustained behaviour over a period of time.
- c) The former officer had continued the behaviour after he should have realised that it was improper.
- d) The former officer had made an attempt to blame the victim by accusing Ms. X of making a vexatious claim against him.
- e) The Panel had found that there was malign intent in the proven actions of the former officer in his seeking sexual gratification from Ms. X.

Mitigating Factors

110. The Panel were assisted by paragraphs 4.79-4.82 of the Guidance in its assessment of mitigating factors in this case.
111. The Guidance states that mitigating factors are those tending to reduce the seriousness of misconduct. The Guidance states that some factors may indicate that an officer's culpability is lower, or that the harm caused by the misconduct is less serious than it might otherwise have been.
112. Having carefully considered the Guidance, the Panel were unable to identify any mitigating factors that would lead to a reduction in its assessment of the proven conduct of the former officer.

Outcome Decision

113. Having carefully considered culpability and harm in accordance with the guidance, the Panel's starting point for seriousness was deemed to be **High**.
114. Following an application of aggravating factors, the Panel found their starting point of seriousness was unchanged.
115. The Panel found that due to the absence of any mitigating factors their assessment of seriousness remained **High**.
116. The Panel reminded itself of the purposes of police misconduct proceedings as defined at paragraph 2.3 of the Outcomes Guidance which are:
- a) To maintain public confidence in and the reputation of the police service
 - b) To uphold high standards in policing and to deter misconduct
 - c) To protect the public

117. The Panel reminded itself paragraph 3.30 of the guidance which states that the only available outcomes for a former officer are:

- a) Disciplinary action
- b) No disciplinary action

118. Where a former officer's conduct amounted to gross misconduct and disciplinary action is imposed the only outcome can be that he would have been dismissed if still serving.

119. The Panel were mindful of paragraph 7.4 of the Guidance which states that less severe outcomes should be considered before severe outcomes. They also reminded itself that the more serious the conduct found proven against an officer, the more likely it would be that that dismissal would be justified.

120. Having considered the seriousness of the proven conduct and breaches of the Standards of Professional Behaviour, the Panel determined that disciplinary action was required in this case.

121. The Panel noted paragraph 3.24 of the guidance which states that they must have regard to the former officer's record of police service when considering the outcome. The Panel were provided with the officer's service record which was carefully considered in its deliberations.

122. Having assessed the totality of the proven breaches, the former officer's service record and the purpose of the police misconduct regime, the Panel determined that the former officer would have been dismissed without notice if still serving.

Barred list

123. The Chair has considered the relevant provision under the Police Barred List and Advisory List Regulations 2017 (“the 2017 Regulations”) and is satisfied that a report containing details of this case (in accordance with Regulation 3 of the 2017 Regulations) should be sent to the College of Policing within 5 working days.

Right of Appeal

124. The officer will be notified that he has a right of appeal to the Police Appeals Tribunal.

125. The AA will provide a notice to the officers as to the procedure to be followed should he wish to submit an appeal.

ACO (Retired ACC) Ian Saunders

Mr. Geoffrey Brighton

Mr. Michael Watkins

22nd May 2026.