

IN THE MATTER OF POLICE (CONDUCT) REGULATIONS 2020

BETWEEN

THE CHIEF CONSTABLE OF DEVON AND CORNWALL POLICE

Appropriate Authority, (“AA”)

And

Inspector A

PANELS REPORT OF DECISION AND OUTCOME, (REGULATION 43 OF THE POLICE (CONDUCT) REGULATIONS 2020 AS AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) RULES 2024

- Chair – DCC Paul MILLS QPM
- LQP – James CROSS
- IPM – Richard Fitz-Robinson
- IPM – Jayne Clemence MBE
- Counsel for the AA – Mark Ley-Morgan (“MLM”)
- Counsel for Inspector A – Guy Ladenburg (“GL”)

Hearing dates; 14 and 15 April 2026.

Venue; Riveria International Centre, Torquay, TQ2 5LZ

References:

When referenced in this report,

The Police (Conduct) Regulations 2020 will be “the Regulations”, or Regulation and then the Regulation number referred to.

The Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office will be the “HOG”.

The College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 will be referenced as “the Guidance”.

When referencing a page or pages from the hearing bundle, (“HB”) the reference will be in [] an example being [HB 14] or [HB 56-61]. Likewise, when referencing a page or pages from the Defence bundle, (“DB”) the reference will be in [] an example being [DB 19] or [DB 32-34].

Summary

1. Inspector A faced an allegation that his conduct on a night in December 2024 at a work Christmas party, both singularly and collectively, amounted to gross misconduct.
2. The alleged facts are detailed below.
3. It was said that Inspector A, on a night in December 2024, behaved in a way that breached two of the standards of professional behaviour. The two standards being, Authority, Respect and Courtesy, because Inspector A had failed to act with self-control and to treat his colleagues with respect and courtesy. And Discreditable Conduct, by the alleged behaviour bringing discredit on the police force and undermining public confidence in the police service.
4. Inspector A was served with a Regulation 17 Notice on the 27.01.25. He was interviewed under caution on the 19.06.25 where he made admissions and apologised.
5. On 02.02.25 Inspector A was served with a Regulation 30 Notice detailing the alleged facts and breaches of the two cited Standards of Professional Behaviour.
6. Inspector A's Regulation 31 Response dated 23.02.26, admitted the alleged facts and breach of the standard of professional behaviour of Authority Respect and Courtesy but said that the breach amounted to misconduct only and not gross misconduct.
7. Also in his Response, Inspector A applied for a private and / or, restricted hearing.
8. On 11.03.26 the matter came before the Chair at a pre-hearing. Clarification was sort as to whether Inspector A accepted that he was also in breach of the standard of Discreditable Conduct. GL clarified that Inspector A did accept that breach but as with Authority Respect and Courtesy, to misconduct only and not gross misconduct.
9. The Chair directed a date by which he would receive written submission from the parties together with evidence from the defence, after which he would make his decision as to anonymisation of Inspector A and / or a private or public hearing.
10. The Chair also directed that as there appeared a conflict of evidence, in the interests of justice, one of the witnesses as requested by the AA could attend the hearing to give live evidence.

11. The hearing was scheduled for 14,15 and 16 April at the Riviera International Centre, Torquay.
12. On the 31.03.26 following the receipt of submissions and written supporting evidence from the GL for Inspector A, the Chair, being satisfied that naming Inspector A would create a significant adverse effect on the officer's health and welfare, directed that whilst the hearing would be in public, during the hearing and in the subsequent public report the officer's name would be anonymised and he would be referred to as Inspector A.
13. The Chair further directed that no information would be published that revealed the names of witnesses or associates, friends of family members of Inspector A to avoid jigsaw identification and that an agreed list of cyphers for the witnesses in the case would be used.
14. The Chair made clear that this was the Chair's initial finding. The Chair directed that a notice would be published on the force website inviting representations as Inspector A's anonymity following which the Chair would make a final determination on the first morning of the hearing.
15. For unaccountable reasons, a notice was not published until the first morning of hearing, however the notice, as directed, invited representations before 12 noon on the 15.04.26 as to Inspector A's anonymisation and objections to it.
16. As no representations were received before 12 noon on the 15.04.26 the Chair confirmed his preliminary direction, made at the pre-hearing as final.
17. In accordance with the Chair's direction this report anonymises Inspector A and the witnesses. And to avoid the real possibility of identification of Inspector A, this report does not reveal place names nor Inspector A's place of work and has been written so as not to reveal the identity of Inspector A.
18. In the week prior to the hearing the panel received a hearing bundle of 55 pages, comprising 3 sections, the second of which contained 4 witness statements. The panel also received a Defence bundle of 37 pages.
19. The panel also received, before the first day of hearing, the AA's opening note provided by MLM.
20. The hearing began at 1010 hours on 14.04.26. The Chair in his opening, reminding the hearing of the threefold purpose of the misconduct regime cited at para 2.3 of the Guidance, and of the burden of proof being on the AA and the standard of proof being the balance of probabilities.

21. The Chair confirmed that the LQP would draft a report of the panel's findings and outcome for the Chair for his approval and publication.
22. MLM opened the case for the AA.
23. The panel heard evidence from one of the witnesses, PC E on the first morning of the hearing. The panel also heard from Inspector A.
24. The panel's findings as to the facts, the breaches, the panel's assessment of seriousness and outcome were given verbally to Inspector A on the second morning and early afternoon of the hearing.
25. This is the written report of the panel's findings as drafted by the LQP in accordance with the Chair's directions.

Alleged Facts

26. At all material times Inspector A was an officer and as such required to set an example to his junior colleagues both on and off duty.
27. On the evening in December 2024, Inspector A was off duty and attended a work Christmas party at a non-police venue ("the party").
28. The AA alleged, at 3 (a) (b) and (c) of the Regulation 30 Notice, repeated below and reported hereafter in this report as allegations 3 (a), 3 (b) and 3 (c), that whilst at the party Inspector A:

3 (a) Said to two male colleagues who were using the urinals "Here's the willy watchers".

3 (b) Said in the presence of a male colleague's partner words to the effect that that Inspector A had just caught him in the bathroom on his knees in front of another colleague and that she should check if his knees were still wet.

3 (c) Inspector A put his finger into a hole in the crotch of a male colleague's trousers.

Alleged Breach -Authority, Respect and Courtesy

29. The AA asserted that Inspector A had breached the Standard of Professional Behaviour concerning Authority, Respect and Courtesy because he had failed to:

- i) Act with self-control.
- ii) Treat his colleagues with respect and courtesy.

Alleged Breach - Discreditable Conduct

30. The AA asserted that Inspector A's behaviour brought discredit upon the police service and undermined confidence in it because a right-minded member of the public would be justifiably concerned that a police officer of senior rank had behaved inappropriately towards junior colleagues thereby causing them discomfort and/or embarrassment and/or shock and/or concern.

31. The AA alleged that Inspector A's behaviour both singularly and collectively amounted to gross misconduct.

Evidence not in dispute:

32. At the time the alleged incident occurred Inspector A was employed by Devon and Cornwall Police and was undertaking the role of Sector Inspector.

33. On the date in December 2024 whilst off duty and not on police premises, Inspector A attended a work Christmas function where junior in rank members of his team were present.

34. During the course of the evening, three separate incidents occurred where it is alleged that Inspector A's behaviour breached the Standards of Professional Behaviour.

35. In relation to each of the three allegations, Inspector A admitted the alleged conduct and breaches of the standards of professional behaviour and that they amounted to misconduct, however, he denied that individually or collectively they amounted to gross misconduct.

36. In relation to allegation 3 (c) Inspector A partially admitted the extent of contact with the witness PC E and therefore this element remained to be determined by the panel.

37. The alleged conduct was subsequently reported to the Devon and Cornwall Professional Standards Department, (PSD”), by PC B on 01.01.25 and this led to an investigation into the allegations alleged.

Panel approach to assessment of the allegations

38. In relation to allegations 3 (a) and 3 (b), Inspector A admitted that his conduct and the alleged breaches of the standards of professional behaviour amounted to misconduct. In relation to these allegations the primary task of the panel was to make a determination on whether the admitted misconduct amounted to gross misconduct.

39. In relation to allegation 3 (c) there was a difference in that which was alleged by the AA, and that which Inspector A had said had happened. In his interview, [HB 45] Inspector A recalled pointing at the hole in PC E’s trousers.

40. Inspector A had said “I accept that if he is describing that it’s touched the fabric or it went slightly in I accept that ...”.

41. In his Regulation 31 Response, [HB 50 -55], at paragraph 15 he had said that he pointed at the hole and in paragraph 16 that “his finger may have made fleeting contact with the trouser fabric”.

42. In Inspector A’s evidence to the panel, he admitted putting his finger in the hole. The AA in closing said that although touching PC E was not alleged, the placing of the finger in the hole was highly unlikely to have been by accident and therefore if the panel accepted PC E’s evidence and factual account, it would make the conduct more serious. Accordingly, the panel was advised by the LQP and such advice was accepted, that it should make a determination on this issue and reach a factual finding.

43. Notwithstanding the factual dispute concerning allegation 3 (c) Inspector A admitted the alleged breaches of the standards of professional behaviour alleged. Therefore, the only additional matter for the panel concerning this allegation was whether the conduct amounted to misconduct or gross misconduct.

44. To reach a determination on whether the misconduct amounted to gross misconduct, the panel reviewed the evidence relating to each of the allegations and then made a collective assessment of the seriousness of the proven conduct and allegations

applying the four steps of the test as outlined in *Fuglers LLP -v- SRA [2014] EWHC 179 (Admin)*.

Allegation 3 (a)

45. On the evening in December 2024, Inspector A was off duty and attended a work Christmas party and:

(a) Said to two male colleagues who were using the urinals "Here's the willy watchers".

46. In relation to this allegation, the panel noted the following:

Evidence of PC D

47. PC D confirmed that he attended the works party on in December 2024 and that Inspector A had arrived at the venue by himself and had greeted colleagues and their respective partners.

48. PC D stated that PC B and himself had both needed to use the toilet and had subsequently gone into the male toilets to use the urinals. Whilst they were both at the urinals, Inspector A entered the toilets and on seeing both of them said to them, "look who it is, it's the willy watchers".

49. PC D stated that PC B looked at him and they both awkwardly laughed and PC B said to Inspector A "that's rich". Inspector A subsequently entered the toilet cubicle, and nothing further was said.

50. On leaving the toilets PC B and him discussed that the comment was 'weird and unexpected'. Both officers subsequently returned to the main party.

Evidence of PC B

51. PC B confirmed that he attended the works party on the evening in December 2024.

52. PC B stated that during the evening he needed to use the toilet at the venue and him and PC D went together and used the urinals.

53. Whilst they were both at the urinals PC B stated that Inspector A came into the toilets and upon seeing them both said “here’s the willy watchers”. PC B stated that he awkwardly replied, “that’s rich”

54. PC B stated that he then left the toilet and returned to his partner

Response of Inspector A

55. Inspector A admitted making the comment and stated in a split second he was trying to break the ice. He stated that it was not his intention to cause upset or offend anyone, but he accepted in hindsight he had caused upset because of his comment.

Panel findings in relation to the allegation

56. The panel was not required to make a formal finding of fact in relation to this allegation, as Inspector A had admitted the facts and that he had breached the standards of professional behaviour in relation to:

(a) Authority, Respect and Courtesy – as he had failed to act with self-control and treat his colleagues with respect and courtesy

(b) Discreditable conduct – in so much as a member of the public would justifiably concerned that a police officer of a senior rank had behaved inappropriately towards colleagues causing them discomfort and/or embarrassment and/or shock and/or concern

57. The panel concluded this was clearly an inappropriate comment for a senior officer to make to junior officers, and the allegation should be considered alongside his subsequent conduct in allegations 3 (b) and 3 (c).

Allegation 3 (b)

58. On the evening in December 2024, Inspector A was off duty and attended a work Christmas party and:

- b. Said in the presence of a male colleague's partner words to the effect that that you had just caught him in the bathroom on his knees in front of another colleague and that she should check if his knees were still wet.

59. In relation to this allegation, the panel noted the following:

Evidence of PC B

60. PC B stated that further to the inappropriate comment made to him and PC D within the toilets (Allegation 3 (a)) he returned to the party and rejoined his partner in the main function room.

61. PC B stated that the officer then approached him and said to his partner words to the effect of 'I just caught XXX in the bathroom on his knees in front of XXX, you can check his knees they will still be wet'.

62. PC B stated that as a straight male, he felt as though he was being accused in front of his partner of being unfaithful with another man. PC B provided context that unbeknown to Inspector A, the nature of the comment was such it was deeply impactful upon him.

63. PC B stated that both his partner and him were in shock at what the officer had said and it took them 5 minutes to process what had been said. He further outlined that his partner was completely shocked as this was the first time she had met Inspector A.

64. PC B stated that the nature of the comment was such that if it was not for Inspector A's police rank he might have punched him.

Evidence of Ms C

65. Ms C stated that she had attended the party in December 2024 with her partner PC B and prior to this she had never met Inspector A before.

66. Ms C stated that PC B and her had had an initial conversation before they ate and he had appeared 'jolly' but not heavily intoxicated.
67. Ms C outlined that later in the evening Inspector A approached her and stated that he had caught PC D and her partner in the toilets, and she should take a look at PC B's knees. She stated she then asked PC B about the comment, and he also disclosed the comment that had been made in the toilets to PC D and him about being "willy watchers".
68. Ms C stated the comments had affected PC B, but they had not had a significant impact upon their homelife. She further stated that she did not think badly of Inspector A and considered he had made an inappropriate joke. She outlined that the actions of Inspector A had not left her with a negative impression of the police.

Response of Inspector A

69. Inspector A admitted making the comment, or words similar to those stated by the witness. He stated he could not remember why he had made the comment but accepted that it was totally misplaced and it was not acceptable. He further stated that he was trying to be down to earth and seem approachable.

Panel findings in relation to allegation 3 (b)

70. The panel was not required to make a formal finding of fact in relation to this allegation, as Inspector A had admitted the facts and that he had breached the standards of professional behaviour in relation to:
- (a) Authority, Respect and Courtesy – as he had failed to act with self-control and treat his colleagues with respect and courtesy.
 - (b) Discreditable conduct – in so much as a right-minded member of the public would be justifiably concerned that a police officer of a senior rank had behaved inappropriately towards colleagues causing them discomfort and/or embarrassment and/or shock and/or concern.

71. The panel viewed the comment made by Inspector A to be wholly inappropriate. It had understandably and clearly caused shock to both PC B and his partner at the time and was totally unacceptable for a police officer and senior leader to make. The panel also noted that whilst Inspector A would not have known of the background of PC B, this confirmed the wider inherent risk of making such inappropriate comments.
72. The panel also concluded that, set against the context of the admitted conduct in allegation 3 (a), this was the second occasion that Inspector A made unacceptable comments with a sexual undertone in the presence of PC B.
73. Whilst Ms C stated she stated she ultimately did not think badly about Inspector A and it had not impacted on her view of the police. The panel considered the public more widely, if they were aware of the conduct, would be rightly concerned that a police officer and senior leader had made such a comment to a member of the public. In this regard, the panel noted that Inspector A, prior to the party, had never met Ms C and his conduct had the potential to significantly undermine public confidence.

Allegation 3 (c)

74. On the evening in December 2024 Inspector A was off duty and attended a work Christmas party and whilst at the party:

c. Put [*his*], your finger into a hole in the crotch of a male colleague's trousers.

75. As already stated, the account of Inspector A in relation to this allegation, differed from that of PC E who stated the finger of the officer had definitely and intentionally gone into the hole and was within that area for approximately two seconds.
76. To assist the panel in reconciling the differing accounts the panel had the benefit of seeing and hearing evidence from both Inspector A and from PC E.

Evidence of PC E

77. PC E confirmed that he attended the works party on in December 2024 in company with his wife.
78. PC E stated , prior to the evening of the party he had only had limited contact with Inspector A.

79. PC E outlined [redacted] and this caused him to split his trousers creating a small hole in the crotch area.
80. PC E said that he had initially found the incident to be funny and he had shown his wife the hole which had been created.
81. PC E stated later he was with a group of people, and he again showed his wife the hole in his trousers. At that point, Inspector A came over to the group and stood by him and as PC E gestured towards the hole, Inspector A proceeded to come towards him with his right hand and placed a finger into the hole. PC E confirmed in evidence the hole was a couple of inches wide and was at the front of his trousers, just below the position of his genitals.
82. PC E stated that he could not remember if there was any actual contact with his body but recalled that he was in a state of shock that his Inspector, Inspector A, had put his finger in his trousers. In his written evidence he further stated that he did not consent to the officer inserting a finger in the hole in his trousers.
83. In both his written evidence and verbally to the panel he said whilst not directly stopping Inspector A, he pulled away as he felt uncomfortable. He recalled that the finger was in the hole in his trousers for a period of approximately two seconds.
84. During the hearing PC E was asked whether he recalled Inspector A saying 'that is what I was talking about' immediately prior to this incident and he did not recollect this.
85. PC E stated that after the incident Inspector A was laughing, and he felt uncomfortable and looked at his wife who had also witnessed the incident. He further stated that he did not feel comfortable about what had happened and returned to his room around midnight after his friends had left.
86. PC E stated that he did not report the matter to PSD, as he was in a state of shock and was embarrassed about what had happened, as he would not expect his Inspector, Inspector A, to behave in such a manner. He stated by the time he was ready to report the matter he had already been contacted by PSD.
87. PC E stated that he had reflected on the incident and the conduct of Inspector A and it had left him feeling embarrassed and frustrated. He stated that such behaviour should

be addressed and it was inappropriate for any rank within the police to behave in the way that Inspector A had.

Response of Inspector A

88. In his interview Inspector A [HB 36 -49], admitted that he had joined the group containing PC E who was joking and showing people the hole in his trousers. He stated that he joined in the conversation [redacted] and pointed to hole in PC E's trousers. Inspector A accepted that whilst pointing at the hole his finger may have touched the fabric or his finger may have gone slightly in.
89. Inspector A stated that he did not notice any reaction to him pointing at the hole or the comments that he made and the evening continued and colleagues were dancing.
90. The variance in Inspector A's account in his Regulation 31 response and then during the hearing, is captured within the wider written report.

Panel findings of fact in relation to allegation 3 (c)

91. Whilst Inspector A admitted that he may have touched the fabric of the trousers or may have slightly gone into the hole, this was different to the account of PC E who stated that Inspector A's finger had deliberately been put into the hole for a period of up to 2 seconds. Accordingly, the panel was required to make a finding of facts in relation to this issue.
92. In his evidence PC E was clear that Inspector A had purposefully come towards him and then placed a finger of his right hand into the hole in the groin area in the middle of his trousers and it was inside the hole for a period of approximately two seconds.
93. The panel also noted that PC E described the actions of Inspector A had left him in shock and he could not believe his boss was placing a finger in an open hole in his trousers.
94. While giving evidence, in answer to a question from his counsel, concerning whether his finger went into the hole, Inspector A replied "yes". When questioned by the AA Inspector A said that he was not so drunk that he could not remember what had happened. Inspector A denied that he intended to place his finger in the hole and had said immediately before the incident 'that is what I am talking about' whilst he pointed at the hole in the trousers.

95. Accordingly, the panel was faced with two versions of events. Whilst there was an acceptance by Inspector A at the hearing that his finger did go into the hole in PC E's trousers, PC E's evidence was that it was not an accidental brushing of fabric but a deliberate insertion. Additionally, there was no recollection by PC E, of Inspector A, as a prelude to inserting his finger, saying "that is what I was talking about".
96. The panel found PC E's account was consistent. In addition, the written statements of both PC B and PC D [HB 28 and 31-32], evidenced early reports to them by PC E on the date in December 2024 of Inspector A "putting" his finger into the trouser hole.
97. Whilst the panel took note of Inspector A's good character, and the advice from the LQP in open hearing as to good character, the panel preferred the evidence of PC E. He was straight forward in his account which was consistent and unaffected by cross examination. He said repeatedly that this incident has made him feel uncomfortable and he remembered being shocked, which the panel concluded supported the insertion of the finger into the hole was not accidental.
98. The panel concluded that based on the written and oral evidence presented and tested, it was satisfied that Inspector A had purposefully placed a finger into the hole in PC E's trousers and had left it within the hole for a period of up to two seconds.
99. In summary, the panel found the allegation factually proven and that Inspector A had breached the standards of professional behaviour in relation to:
- (a) Authority, Respect and Courtesy – as he had failed to act with self-control and treat his colleagues with respect and courtesy
 - (b) Discreditable conduct – in so much as a member of the public would justifiably be concerned that a police officer of a senior rank had behaved inappropriately towards colleagues causing them discomfort and/or embarrassment and/or shock and/or concern
100. The panel viewed the proven conduct of Inspector to be particularly serious. It was clear that PC E had not given consent for Inspector A to place his finger in the hole in his clothing. Inspector A, in so doing, put his finger into the groin area of the PC E for a period of approximately two seconds.

101. The panel noted that whilst it was not alleged that contact was made with the body of PC E, the location of the hole in the trousers in the groin area created a risk that Inspector A could have made contact with the genital area of his junior colleague. In any event it was wholly inappropriate to place a finger into a hole in the fabric of trousers in the groin area of a colleague.
102. It was clear that the conduct of Inspector A had left PC E feeling shocked, embarrassed and frustrated. PC E in his evidence rightly stated that he would not expect a police officer of any rank to undertake such conduct, let alone his Inspector.

Assessment of whether the admitted and proven allegations amount to gross misconduct or misconduct

103. Further to all three allegations, 3 (a), 3 (b) and 3 (c), being either admitted or found proven, the panel considered under Regulation 41(15) (b) of the 2020 Conduct Regulations whether the conduct as found in relation to allegations amounted to misconduct, gross misconduct or neither.
104. The panel reminded itself that under Regulation 2(1) and Misconduct’ meant a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Whilst ‘Gross Misconduct’ meant a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.
105. The panel noted that the AA submitted that the conduct found proved overall amounted to gross misconduct.
106. The approach taken by the panel when considering seriousness was that identified by Mr Popplewell J in *Fuglers LLP v SRA* [2014] EWHC 179 (Admin) which is in these terms:

“In assessing seriousness, the most important factors will be (1) the culpability for misconduct in question and (2) the harm caused by the misconduct.....(3) aggravating factorsand mitigating factors.....”

Culpability

107. This panel reminded itself that culpability denotes an officer’s blameworthiness or responsibility for their actions. The panel found the following to be relevant to the assessment of culpability.

108. Inspector A's conduct was intentional and deliberate (4.9). In this respect, in relation to allegations 3(a) and 3(b). Inspector A made a conscious decision to use inappropriate language with his junior colleagues and one of their partners (3b – only). In relation to 3 (c) Inspector A made a conscious decision to put his finger into the groin area of his junior colleague.
109. The Panel found that in relation to allegations 3 (a) Inspector A's conduct had a sexual undertone to it. In relation to allegation 3 (b) Inspector A's conduct, insinuated that his two junior colleagues had taken part in a sexual act in the toilets. Accordingly, and collectively these allegations evidenced sexual impropriety by Inspector A.
110. The Panel found as a senior leader in the police service Inspector A's culpability was increased as he was holding a position of trust and responsibility (4.12).
111. The panel concluded that overall, the level of culpability was HIGH

Harm

112. The panel noted that in relation to allegation 3 (b) PC B had been shocked by the conduct of Inspector A. It had also placed him in a difficult and invidious position concerning reporting the matter, as due to the line management relationship between Inspector A and him, he was concerned that reporting the issues may have caused repercussions for him.
113. The panel also concluded that in relation to allegation 3 (b) the conduct had been particularly impactful on PC B, due to his own personal background. Whilst Inspector A would not have been aware of this background, his actions were such that it caused PC B to have a flashback and then to have to subsequently disclose the context of why this was so to PSD. The panel observed this must have been particularly difficult for PC B and evidenced the inherent risk in Inspector A saying such an inappropriate comment and the likely psychological distress which could result.
114. The panel noted that in relation to allegation 3 (c) PC E had been left shocked, embarrassed and frustrated by the conduct of the officer. PC E stated that he would not have expected such conduct from a police officer of any rank let alone his own Inspector, Inspector A.
115. The panel concluded that whilst Ms C may have said she had not been overly troubled by the actions of Inspector A and stated that it had not impacted negatively upon her

view of the police, the proven conduct created a wider risk to public confidence in the police.

116. The panel concluded that the proven allegations, if known by the public, would be likely to have a significant and obvious impact on trust and confidence in the police service (4.66). Put clearly, if the public were aware that a police officer and senior leader in the police service had attended a work party and engaged in such conduct and shown such poor judgement, they would be deeply concerned about standards within policing, (4.69).
117. The panel also concluded that at a time of generic national public and media concern relating to standards and leadership in policing, the actions of Inspector A, if known, would further harm the reputation of the police service.
118. The Panel found the overall level of harm to be HIGH

Aggravating factors

119. In considering aggravating factors the Panel were careful not to double count and found the factors below to be relevant:
120. The panel concluded that whilst Inspector A's conduct was confined to one evening, the proven conduct took place on three separate occasions and over a number of hours (4.76)
121. As a police officer and senior officer, it should have been clear and obvious to Inspector A that his conduct was improper, and he should have acted as a role model (4.76). During the hearing the officer stated that the role of an Inspector is to set and maintain standards and accepted that his conduct was totally unacceptable and had fallen well below these standards.
122. The panel found it a further aggravating factor in relation to allegation 3 (c) that PC E was still in his probationary period and there was a clear and obvious power imbalance between them.
123. The panel noted that three proven allegations related to three separate colleagues and involved a member of the public who was a non-serving partner of a police officer, (4.76)

124. In relation to allegation 3 (b), the panel found the fact that Inspector A had never met Ms C before was an aggravating factor and the potential for her to form a negative view of the police service was significant. Further the panel noted the evidence of PC B that the comment made to his partner insinuated that he was cheating on her by engaging in a sexual act with a colleague in a public toilet. The panel concluded that notwithstanding the wholly inappropriate nature of this comment, it could have caused wider significant ramifications for the relationship of PC B and Ms C.
125. In relation to allegation 3 (c) the panel found that Inspector A's conduct of putting a finger into the groin area of a junior officer without their consent was particularly serious. It should have been obvious to Inspector A that this was an intimate area, and he had not been given consent to do this.
126. In summary the panel found there to have been a number of aggravating factors in the proven conduct.

Mitigating factors

127. The Panel considered carefully all the factors that are detailed in paragraph 4.79 of the Guidance. The Panel was careful to remind itself of the difference between mitigating factors and personal mitigation. Mitigating factors are those that could potentially indicate a lower level of culpability.
128. The Panel considered the following to be mitigating factors:
129. Notwithstanding, the panel was required to make a determination on an element of allegation 3 (c), Inspector A did make admissions in relation to each of the allegations at an early stage (4.77)
130. In both his initial interview and his Regulation 31 response Inspector A accepted that his conduct was not acceptable and apologised for any offence, discomfort or embarrassment he had caused his colleagues. Inspector A stated he regretted the impact of his conduct on all those concerned and expressed remorse. The panel noted the reflections of Inspector A and concluded these to be authentic and genuine.

Panel Finding.

131. Having listened to closing submissions relating to Stages 1 -3 and considered whether the mitigating factors reduce the seriousness of the misconduct, the Panel considered that overall, the conduct of Inspector A was such that their seriousness assessment was HIGH.

132. Having found three separate allegations proven, the panel reminded itself that it had been invited by the AA to consider Para 11.132 of the HOG:

“Where more than one allegation of misconduct against the officer concerned has been proven, it is for the panel to decide whether, taken together, the misconduct may amount to gross misconduct.”

133. The panel concluded that as the events occurred in one evening, it was appropriate for the panel to consider them together as a course of conduct. The panel considered that as a whole the proven conduct and breaches of the Standards of Professional Behaviour were so serious as to amount to **Gross Misconduct**.

Outcome

134. In reaching their decision regarding the disciplinary outcome, the panel gave due consideration to all the evidence and information put before them. The panel also considered the following:

- The officer’s record of service
- The officer’s training record
- Twelve-character references
- Submissions made on behalf of the AA
- Submissions of mitigation on behalf of the officer.
- The nature of the allegations
- The interests of the public
- The interests of Devon and Cornwall Police.

135. In coming to its conclusion as to the appropriate outcome, the panel had regard to the Guidance, the HOG and relevant legal authorities.
136. The Guidance made it clear that there was a 3-stage process, which the panel was required to adopt when deciding upon the correct sanction in misconduct proceedings. Case law, the panel knew, is unequivocal that the 3-stage process should be adopted by it in police misconduct proceedings. The panel adopted the 3-stage process.
137. For clarity the 3-stage process, (the Guidance (4.2)), originates from the **Fuglers** case which had already been mentioned and required the panel to
- a) assess the seriousness of the misconduct
 - b) keep in mind the purpose of imposing sanctions; and
 - c) choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question

Seriousness Assessment

138. When assessing the seriousness of the misconduct the panel were assisted by the Guidance, which emphasises that there are 4 elements that the panel were required to consider: culpability, harm, aggravating and mitigating factors.
139. The Panel re-assessed the criteria for seriousness at the '**Outcome**' stage, having made a finding of Gross Misconduct at the '**Findings of fact**' stage. In considering seriousness again and applying the **Fuglers** test the Panel considered their preliminary assessment of seriousness in relation to culpability, harm and aggravating factors. The Panel was extremely mindful, cautious and careful, not to engage in double counting when assessing the seriousness of the misconduct found proven. The Panel found that their overall assessment had not changed in respect of the outcome determination and overall, the seriousness assessment remained high.
140. The panel were invited by the AA, to reconsider the culpability assessment relating to the foreseeability of the actions of Inspector A. The panel reviewed section 4.11 of the

Guidance and concluded in each of the proven allegations a risk of harm which was reasonably foreseeable.

141. The panel was invited by GL for Inspector A to revisit its harm assessment. The panel duly reconsidered the assessment and confirmed it was unchanged. Specifically in relation to the points advanced by counsel, the panel concluded the following:

- a) Inspector A's counsel advanced that the behaviour in relation to allegation 3 (c) was the continuation of a joke. The panel did not concur with this view and found that Inspector A in placing his finger into the genital area of a junior colleague, was not what could reasonably be considered, to be the continuation of a joke.
- b) The panel did agree that there was no malign intent in relation to Inspector A's proven conduct, however this did not change the panels assessment.
- c) It was advanced for Inspector A that the sexual impropriety found by the panel was at the lower end of such behaviour. The panel did not consider its assessment to be a comparative exercise; each case was to be judged on its own facts. The panel concluded that its finding concerning sexual impropriety was but one factor that needed to be considered alongside the panel's wider findings in relation to the proven conduct.
- d) It was advanced that there no evidence that Inspector A had set out to cause embarrassment and the panel concluded this needed to be considered alongside its findings relating to the obvious foreseeable risks that were evident in the Inspector A's proven conduct.
- e) Inspector A's counsel advanced that the panel should apply greater weight to the observation and stated impact of the conduct relating to Ms C as a member of the public. The panel had duly considered the evidence of Ms C, however the composition of the panel was such that it included two members of the public in the role of IPM's. The role of IPM's is to represent the interests of the wider public in such proceedings.

Accordingly, the view of the IPM's who were in possession of all the facts, was that the proven conduct in relation to allegation 3 (b) would cause significant concern to the public if they were aware of the conduct of Inspector A.

142. The panel considered wider personal mitigation which had not been fully considered at stage one. The panel noted:

- Inspector A had received two separate Chief Superintendents commendations [DB 11], relating to his contribution to policing operations and initiatives in the Devon and Cornwall.
- The panel noted the submission by Inspector A that his last five years performance reviews had assessed him as being consistently graded as good or outstanding.
- [redacted].
- [redacted].
- The panel reviewed the twelve-character references submitted [HB 13-37], by a mixture of friends and colleagues and noted they had across them common themes concerning:
 - The hard-working nature of Inspector A.
 - That the allegations were out of character, with a number of the contributors stating they had not witnessed unacceptable behaviour in other work social settings across policing [redacted]
 - Inspector A being described as professional, supportive and courteous, with high levels of integrity

143. The panel reminded itself that due to the nature and purpose of disciplinary proceedings the weight attributed to this material was necessarily limited, particularly having found serious misconduct. (the Guidance para 6 and *Salter v Chief Constable of Dorset* [2012] EWCA Civ 1047 Para 23).

The purpose of imposing sanctions

144. Having assessed seriousness, stage 2 of the structured approach required, the panel to reminded themselves of the purpose for which sanctions are imposed.

145. The purpose of the police misconduct regime is unequivocally identified in the Guidance (2.1):

“Police officers exercise significant powers. The misconduct regime is a key part of the accountability framework for the use of these powers. Outcomes should be sufficient to demonstrate the individual accountability for any abuse or misuse of police powers if public confidence in the police service is to be maintained. They must also be imposed fairly and proportionately.”

146. The three-fold purpose of sanctions is explained in the Guidance (2.3) as:

- Maintaining public confidence in and the reputation of the police service
- Upholding high standards in policing and deterring misconduct
- Protecting the public

147. The panel considered the first two of these purposes to be particularly relevant to its findings and considerations on sanction and the facts of this case.

Availability of outcome sanctions upon a Panel finding of Gross Misconduct.

148. The Panel, having reminded itself of the purpose of misconduct proceedings, were required to determine, given their finding of Gross Misconduct, the sanction that most appropriately meets the purpose.

149. The Panel reminded itself of the Guidance at paragraph 2.7 that misconduct proceedings are not designed to punish officers.

150. Equally the panel reminded itself of paragraph 2.8 of the Guidance, which states:

“However, the outcome imposed can have a punitive effect, which should therefore be no more than is necessary to satisfy the purpose of the proceedings. Consider less severe outcomes before more severe outcomes”

151. The Panel referred themselves to the Guidance, at paragraph 2.8 and considered the following in ascending order.

- (i) A final written warning
- (ii) Reduction in rank
- (iii) Dismissal without notice.

152. The panel noted the submissions of the AA and counsel for the officer concerning outcome.

153. The panel considered very carefully whether a Final Written Warning would be an appropriate sanction in the case, set against the findings which it made in relation to the serious proven conduct. The panel concluded that based upon the collective seriousness of the proven conduct the imposition of a final written warning in this case would not fulfil the purpose of police misconduct proceedings.

154. The panel then went onto consider whether reduction in rank would be appropriate in the circumstances. The panel carefully considered the relevant sections of the HOG and specifically sections 11.133 through to 11.143. In consideration of whether the imposition of reduction in rank would be appropriate in these circumstances and operationally viable for Devon and Cornwall Police. The AA had, in open session, confirmed that if the panel reached such a conclusion this was viable for the organisation.

155. The panel considered the seriousness of the proven conduct against the wider career background of Inspector A. The panel noted that Inspector A was of previous good character and the proven serious conduct was out of character when set against his career history and character references.

156. [redacted]. Accordingly, the panel concluded that there was evidence that the loss of Inspector A from policing may not be in the public interest.

157. The panel concluded that reduction in rank would be a suitable outcome and sanction in this case and would fulfil the purpose of the police misconduct regime. The panel then turned to consider whether based upon the proven serious conduct it was suitable for Inspector A to remain in a leadership role in the police service.
158. The panel concluded that the conduct of Inspector A was such that if he were to remain in any leadership role, it would impact upon the maintenance of public confidence and the reputation of the police service. In addition, it would fail to uphold high standards in policing and appropriately deter misconduct.
159. As such, the panel concluded the appropriate outcome and sanction in this case would be to reduce Inspector A in rank from Inspector to Police Constable
160. The panel considered that the threefold purpose of the misconduct regime could be satisfied, by the imposition of this sanction which struck a proportionate balance between recognising the wider service of Inspector A prior to the conduct, and the seriousness of the proven conduct.
161. The panel also felt that this was a case where if the public was in possession of all the facts, they would likely conclude Inspector A should not be in a position of rank, however he deserved another chance to prove he was an asset to the police service and the communities it serves.

In summary, Inspector A.

162. The panel having considered all the issues, including the three principles highlighted and the serious nature of the misconduct, imposed a sanction of reduction of rank from Police Inspector to Police Constable.
163. The panel considered the sanction as a proportionate means of achieving the legitimate aims of the proceedings, which are the purposes of the police disciplinary process as set out in the Guidance.

Drafted by the LQP for the approval of the Chair.

Chair – DCC Paul MILLS QPM

IPM – Richard Fitz-Robinson

IPM – Jayne Clemence MBE

Dated 20/04/2026