

**IN THE MATTER OF THE POLICE ACT 1996
AND IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 ("THE
REGULATIONS")**

Between:

THE CHIEF CONSTABLE OF DEVON AND CORNWALL POLICE

Appropriate Authority (AA)

- and -

PC ZAK HENVILLE

Relevant Officer

DETERMINATION OF THE PANEL

Before: Mr Craig Holden (Chair)
Mr Geoffrey Brighton
Mr Alex Alder-Westlake

LQP: Mr Andrew Hearn

Representation: Mr Ley Morgan (Counsel for the AA)
Mr McDonagh (Counsel for PC Henville, who was also
represented by his Police Federation representative)

Dates of hearing: 20-23 April 2026

1. In these proceedings against PC Henville ("the Officer") the allegations against him as set out in the Regulation 30 Notice (as amended by the AA during the course of the hearing by the abandonment of two allegations against the Officer) are as follows:
2. Following an incident on 20th March 2023 involving his stepson ("X") he accessed X's personal record on Niche and submitted intelligence concerning the incident.
3. On 19 May 2023 he signed an Association Agreement which stated, among other things, that:
 - a. Any intelligence that he had concerning X was to be disclosed to and submitted by his supervisor or a nominated person.
 - b. He was not to conduct any checks on X using police systems nor was he to ask anyone else to do so on his behalf.
4. The Association Agreement stated: *There is an expectation that in order to maintain the highest standards of professional conduct, you will comply with the terms of the plan which will be reviewed periodically or when circumstances change. You are also reminded that unauthorised access and / or disclosure of Force held data may constitute a criminal offence and / or misconduct.*
5. On 19 May 2023 DC Wiggins, CCU, sent him an email in which she drew his attention to the terms of the association agreement.
6. On 8 February 2024 he:
 - a. Completed a prevention referral form in relation to X.
 - b. Accessed a Niche Occurrence concerning an offence that X was suspected of.
 - c. Updated the OEL (Occurrence Enquiry Log) himself.
7. On 12 March 2024 X's father ("Y") was arrested on suspicion of assaulting X and taken to Newquay police station.
8. On 13 March 2024 whilst at Newquay police station:
 - a. At 4.35 pm he accessed the custody whiteboard which showed that X's father was not in custody.
 - b. He attended the custody centre and asked the custody sergeant (PS Endean) if he had just bailed Y.

- c. He did not tell PS Endean why he wanted that information or of his association with X or Y because the Officer believed that if he did so it was likely that PS Endean would refuse to provide him with the information he had requested.
- d. When PS Endean confirmed that he had just bailed Y the Officer asked him about Y's bail conditions.
- e. When PS Endean confirmed Y's bail conditions, the Officer asked for a copy of the bail notice.
- f. When PS Endean asked why the Officer wanted a copy, he said that he wanted to provide a copy of the bail notice to X's social worker because he and X's mother were looking to apply for an injunction against Y.
- g. PS Endean told the Officer that he could not provide him with a copy of the bail notice because he did not want it for a policing purpose.
- h. PS Endean advised the Officer to speak to a supervisor about how to rightfully obtain the information.
- i. The Officer attended the Professional Development Unit ("PDU") where he asked PS Young if the PDU had dealt with Y and what was the result of the interview.
- j. The Officer did not tell PS Young why he wanted that information or of his association with X or Y because he believed that if he did so it was likely that she would refuse to provide him with the information he had requested.
- k. In the Officer's presence PS Young contacted PC Williams via 'point to point' with her radio on loudspeaker and asked him about what had happened.
- l. The Officer heard PC Williams explain what Y had/had not admitted in interview and commented to PS Young.
- m. PS Young said something like "Why is [Y] of interest to you? Is he on your radar then?"
- n. The Officer replied something like "Yeh he's on my radar. He is a very very bad man" and left the office.

Alleged Breaches

9. It is alleged that the Officer breached the following Standards of Professional Behaviour:

Honesty & Integrity

10. It is alleged that the Officer breached this Standard because:

- a. On 8 February 2024 he intentionally acted in a way that he knew was contrary to the terms of the Association Agreement that he had signed on 19 May 2023.
- b. On 13 March 2024 he intentionally failed to tell PS Endean and/or PS Young of his association with X and/or Y before asking them to provide him with information about Y.

Authority, Respect and Courtesy

11. It is alleged that the Officer breached this Standard because on 13 March 2024 he intentionally failed to tell PS Endean and/or PS Young of his association with X and/or Y and thereby caused them to provide him with information that they would not otherwise have provided.

Confidentiality

12. It is alleged that the Officer breached this Standard because he:

- a. Failed to treat information about X and Y with respect.
- b. Accessed information about X and Y otherwise than in the course of his police duties.

Discreditable Conduct

13. It is alleged that the Officer breached this Standard because his behaviour brings discredit upon the police service and undermines confidence in it because a rightminded member of the public would be justifiably concerned that a police officer had:

- a. Used his position as a police officer to obtain sensitive information about his stepson and/or his stepson's father.

- b. Obtained sensitive information about his stepson and/or his stepson's father by failing to be open and honest with his colleagues.

14. It is alleged that the Officer's above behaviour both singularly and collectively amounts to gross misconduct

The Officer's Response to the Allegations

15. The Officer was interviewed on 20 December 2024 in the presence of his Police Federation representative. Subsequently he served a Regulation 31 Response to the allegations made against him in these proceedings. In summary, he admitted some but not all of the conduct alleged against him and accepted that the conduct which he did admit amounted to misconduct but not to gross misconduct.
16. He explained that he lived with his wife T who had previously been married to Y. They have one child (F) and in addition at the relevant time two children of T's former partner, Y, also lived with them. One of those children was X who was 18 though he now lives in Kent as does Y.
17. The previous relationship between T and Y had been abusive and violent and had had severe and ongoing consequences to T's physical and mental health. At the relevant time the Officer perceived an ongoing threat to exist from Y towards his wife and family. In addition, the Officer had been aware of the vulnerabilities faced by X who had been diagnosed with ADHD and autism.
18. The Officer believed that much of the background described above was well known to his colleagues who worked in the police station.
19. The arrest of Y for an assault upon X took place on 12 March 2024. The Officer was at work on 13 March 2024 and was receiving telephone calls from T who was petrified that Y would attend the family home and assault her and/or the children again. No update had been given to T or any member of the family about the police investigation and Y's status. The concern that the Respondent had for the welfare of his wife and family led him to enquire as to the custodial status of Y and, if bailed, what the bail conditions were. The Respondent considered whether he should leave work to provide support for his wife and family but felt that he should ascertain what threat was likely from Y before he did so.
20. The Officer accepted that he acted subsequently with the welfare of his wife and family as a priority rather than those duties and responsibilities inherent to being a police officer and acknowledged that he should have acted in a different way thereafter. However, at that time, he was consumed by the potential danger to his wife and family as impressed repeatedly upon him by a petrified wife. He accepted, however, that his subsequent reaction to this situation should have been different.

21. The Officer accessed the custody whiteboard only to find out if Y was still in custody and having found he was not, he went into custody certain that there was no risk a conflict would occur and spoke to the Custody Sergeant, PS Endean. The Officer wanted to ensure that any bail conditions imposed mitigated the danger of Y attending his family home and threatening his wife and the children. He assumed that PS Endean was aware of his association with X and Y. Having ascertained that Y had been bailed the Officer asked for the bail form, discussed the relevance of this form to the social services and the possibility of an application being made for an injunction. The Officer did not recall PS Endean indicating that he could not provide a copy of the bail notice because it was not for a policing purpose. However, PS Endean did ask him to speak to a supervisor.
22. The Officer attended the PDU (Professional Development Unit) office and spoke to PS Youngs. He assumed that PS Young would have known about his association with X and Y. The Officer's only concern was to ascertain the bail conditions imposed upon Y and the impact that this would have upon the threat that he perceived to his wife and family. He did not ask about the result of the interview. He did ask about the bail conditions imposed after the interview and Y's release from custody.
23. PS Youngs contacted PC Williams and asked about the bail conditions. PS Williams confirmed that bail conditions had been put on for the family address and not to contact X. PS Williams also summarised the account that Y gave in his interview.
24. The Officer maintained that he was not asked, *"Why is he of interest to you? Is he on your radar then?"* Nor had he replied something like, *"Yeh, he's on my radar. He is a very very bad man."*
25. The Officer accepted that PS Youngs then had a heated discussion with him. The Respondent recognises that he should have dealt with this whole incident in a different manner. However, PS Youngs would not listen to the efforts made by the Officer to explain his actions and the reason behind them.
26. Throughout the events of 13 March 2024 the Officer asserted that he acted with the best intention to protect his wife and family. He acknowledges now that he could have acted in a different way having regard to the privileged position that he was in as a police officer.

The Officer's Responses to the Alleged Breaches

Honesty and Integrity

27. The Officer does not accept that he acted without honesty and integrity at any stage. His access of systems was appropriate and was not an intentional breach of the Association Agreement. Furthermore, whilst he accepts that he did not tell PS Endean and PS Young about his association with X and/or Y, he assumed that they knew this already. He accepts now that this assumption was wrong. In any event, any failure to tell them this information was not dishonest but reflected a mistake caused by his overwhelming concern for his wife and family.

Authority, Respect and Courtesy

28. The Officer accepts that he intentionally failed to tell PS Endean and PS Young about his association with X and/or Y and was, therefore, provided with information that he would not otherwise have had access to. The duty to tell his colleagues of this association was not followed as he mistakenly believed that they already knew of it. The Officer accepts that this assumption was wrong and believes that his thought process was affected by the fear repeatedly expressed to him by his wife. He accepts that his conduct amounts to misconduct in this regard but denies gross misconduct.

Confidentiality

29. The Officer accepts that he accessed information about Y otherwise than in accordance with his police duties. He accepts that to the extent his conduct amounted to a breach of confidentiality. However, he maintains that this conduct amounted to misconduct and not gross misconduct.

Discreditable Conduct

30. The Officer accepts that he acted in a way that amounts to discreditable conduct. However, his admissions are limited to obtaining sensitive information about Y alone and by failing to being "open" with his colleagues rather than "[dis]honest." He accepts that a right-minded member of the public – even with regard to the surrounding circumstances prevailing upon the Officer– would be concerned that a police officer allowed his personal difficulties to overcome his continuing duty and responsibility as a police officer rather than as a husband and father. However, he maintains that this conduct amounted to misconduct and not gross misconduct.

The evidence before the Panel

31. The Panel read and carefully considered the hearing bundle comprising 142 pages. In addition, it heard live evidence from Sgt Endean, Sgt Youngs, PC Williams, PC Dower, the Officer and from two witnesses called on his behalf, namely T/Inspector Weager and PC Carthew. It was also provided with an Occurrence Enquiry Log Report ("OEL")

relating to an alleged assault by Y of X on 11 March 2024 and was shown two video clips taken by X on his mobile phone.

32. The Panel considered, and gave appropriate weight to, the statements of witnesses who did not attend to give live evidence.

- a. DC Wiggins was not required to attend the hearing. Her statement dealt with the Association Agreement and the Officer's completion of a prevention referral form in relation to X and updating of an OEL relating to X on 8 February 2024.
- b. Alfie Peters could not attend having just started a new job. He had worked with the Officer for two or three months on B section patrol during which he had become more aware of the Officer's personal circumstances involving X. He said that most, if not all, staff within Newquay patrol or neighbourhood were aware of the relationships between the Officer, X and Y.
- c. The Officer's wife provided an impact statement to explain the profound impact that Y's behaviour has had on her life, well-being and family and the reason why she did not feel able to attend to give live evidence. Whilst sympathetic to that reason, it did mean that the AA was not afforded the opportunity to test her evidence on matters such as the extent of, and reasons for, the fear that she was experiencing on and before 13 March 2024, and when and what steps were taken to address her concerns.

33. Below is a summary of the live evidence given to the Panel which it considered to be of principal relevance.

Sergeant Endean:

34. Sgt Endean had been the only custody sergeant on duty in the custody suite on 13 March 2024. He had not known the Officer before that date although he had seen him in passing and may have said hello to him without knowing who he was. He remembered the interaction on that date with the Officer who came in displaying his shoulder number but, so far as he could recall, not his name. The Officer had not introduced himself. Sgt Endean asked if there was anything he could help the Officer with, to which he had replied by asking if he had just released a male called Y. Sgt Endean had confirmed that that was the case and the Officer had then asked if Y had had bail conditions imposed on him not to contact X or to attend a particular address. Sgt Endean confirmed that that was the case. The Officer had not mentioned to Sgt Endean that he had any relationship with X or Y or with the address mentioned and Sgt Endean had thought that he must have been involved in the investigation and had not been aware that there was any family connection. In that regard Sgt Endean recalled that when he had bailed Y, the suspect had said that he was concerned about the investigation because X's stepfather was a police officer, but Sgt Endean did not believe that the Officer's name had been mentioned.

35. The Officer had then asked for a copy of the bail notice. Sgt Endean said that he did not have one and asked why the Officer wanted it. The reply from the Officer was that wanted to provide it to X's social worker as both he and X's mother wanted to seek an injunction against Y. The Officer had also mentioned that X's own bail conditions needed to be amended as X was now staying with the Officer and X's mother. It was from these remarks that the Sgt had first realised that the Officer was X's stepfather. As Sgt Endean perceived there to be an obvious conflict of interest, he told the Officer that he could not give him the bail notice without a policing purpose and that he should speak to a supervisor upstairs (where both the Response and Custody Inspectors sat).
36. In cross-examination Sgt Endean agreed that
- a. the Officer's immediate concern had been about Y's bail status and conditions and that
 - b. the mentioning by the Officer of his wife and of X's mother and of the role of the social worker conveyed the personal connection between the Officer and X and Y (although in re-examination Sgt Endean was clear that the Officer had given him no information of this sort before Sgt Endean had quizzed him as to why he wanted Y's bail notice).
37. After the Officer had left Sgt Endean, the Sgt had looked up his name from his shoulder number. Subsequently the Officer had come down to see the Sgt again but the Sgt had told him that he was not going to have any further conversations with him and that he would be speaking to Professional Standards. Before then Sgt Youngs had come to see Sgt Endean who asked if he had just spoken with the Officer. Sgt Endean confirmed that he had, and Sgt Youngs explained that the Officer had just come into the PDU office and had been asking specific investigation information about Y. Sgt Youngs told Sgt Endean that she had provided information to the Officer but that when she had learned of his relationship with X and Y she had stopped. She told Sgt Endean that the Officer had said that the Custody Sergeant had sent him up to speak with her.
38. Within an hour of Sgt Endean speaking with Sgt Youngs he had sent her an email confirming his earlier interaction with the Officer.
39. Sgt Endean said that at no point prior to the interactions on 13 March 2024 that he described had he heard anything about an officer within the police station having problems with family members.

Sergeant Youngs:

40. Sgt Youngs said that she had been a police officer for about 20 years and a Sgt since 2012. She had written her witness statement within one or two hours following the incident on 13 March 2024 that she described. She confirmed the accuracy of her statement and also of the email which she had sent to Inspector Hick in which she confirmed that she was about to email Professional Standards. She accepted that given the passage of time she had no independent recollection of what had taken

place on that date but she was satisfied that her witness statement was accurate when it was written.

41. As to her interaction with the Officer on 13 March 2024 she had been in the PDU and it was towards the end of her shift. The Officer had come in to speak with her and she knew him both by name and face. She was in no doubt that the question the Officer had asked her was what was the result of the interview that had taken place with a domestic abuse prisoner that day. She had known that there had been a domestic abuse incident and she assumed that the Officer was referring to the suspect that her officers had dealt with. The Officer had provided her with the name of Y. Sgt Youngs had not known the results of the interview but had called PC Williams on her radio and asked, this being in the presence of the Officer who was close by and would have been able to hear what was being said. The Officer had not said why he wanted the information and she had not told PC Williams why she was asking him for it, nor (to her recollection) on whose behalf she was asking the question. When PC Williams provided the answer the Officer had said "oh, he denied strangulation." Sgt Youngs had then asked whether Y was 'on his radar' and he had replied "something like that" and he had then left. Sgt Youngs had no recollection of any conversation taking place about bail or bail conditions. Later in her evidence she went further, saying that she had had no conversation with PC Williams about bail conditions at all and that the Officer had not asked her anything about bail conditions.
42. Sgt Youngs said that when PC Williams returned to the office, he had just said something like "you know who that is in custody" and had then explained the relationship between X, Y and the Officer. She had had no prior knowledge of that relationship. Her reaction had been that the Officer had been trying to get information concerning his family which he should not have been doing. She had thus gone to speak to the Officer and had explained that she considered his behaviour to have been inappropriate.
43. In cross-examination Sgt Youngs said that she had been unaware that the Officer had been told by the custody sergeant to come and see her and she had no recollection of being told by Sgt Endean that he had sent the Officer to see someone.
44. She was asked about a second visit that the Officer had made to see her in her office which she had described in her statement, saying that the Officer had apologised and had started trying to explain that he was sorry if she thought that he had crossed the line in requesting information and that he had been a concerned parent or legal guardian for X. In her statement Sgt Youngs said that she had stopped the conversation and had said that she would forward the matter on for review. In evidence she said that she had felt quite intimidated by the Officer at this time as he was getting quite emotional or passionate when conveying that he was a concerned father although he had not been tearful.

45. In answer to a question from the Panel, Sgt Youngs said that she had not had many occasions to refer matters to Professional Standards during her time as a police officer, estimating that it may have happened on about eight occasions.

PC Williams:

46. PC Williams had been working in the Professional Development Unit at Newquay police station on 13 March 2024. He was assisting the domestic abuse team by interviewing Y whilst he was in custody. He was aware that Y had allegedly assaulted his son (X) and, following research, that X was related to the Officer (as PC Williams had encountered X whilst policing a protest in Newquay and had been told at the time by colleagues that he was the Officer's stepson).
47. PC Williams recalled in his statement being contacted by Sgt Youngs over his radio and that she had asked about the outcome of the interview of Y. He could remember the call happening but had no independent recollection of the conversation that took place other than it had concerned how the interview of Y had gone and what was happening next. In his statement he had said that Sgt Youngs had not indicated why she needed the information or who it was for; Nor, so far as he could now recall, had Sgt Youngs said that she had the Officer with her at the time that the conversation took place although in cross-examination he conceded that he could not recall if the Officer's presence at the other end of the radio conversation had been made known to him.
48. To the best of his knowledge, Sgt Youngs had asked him during the call whether there had been any admissions made in the interview and what the likely outcome was. He had explained that there would likely be bail conditions as Y had provided defences and denials to the allegations made. In cross-examination he accepted that potentially there may have been a discussion on the call about bail conditions including exclusions from an address and non-contact requirements although later in re-examination he said that he had no recollection of being asked about bail conditions.
49. When he had returned to the office later Sgt Youngs mentioned to her that the Officer had been the person asking about the outcome of the interview and about what bail conditions had been set. He had told the sergeant that he felt this was inappropriate as he was related to X and should not be asking about the outcome of the investigation as he had no policing purpose.

PC Dower:

50. On 13 March 2024 PC Dower had been working in the PDU. He now had only a slight recollection of the events which he described in his statement and not of specifics. He said that when he had prepared his statement (on 13 March 2024, pretty much as soon as the events recounted had taken place), he believed it to be true. He had prepared the statement because Sgt Youngs had been concerned about conflicts of interest that had emerged.

51. In his statement PC Dower said that the Officer had come into the office and had asked who was dealing with the prisoner downstairs. Sgt Youngs had said that PC Williams was dealing with the prisoner along with his student. The Officer had said that he wanted to know the outcome of the interview and that was all that he had asked. That had led Sgt Youngs to contact PC Williams over the radio, PC Williams providing an update to the effect that the suspect had admitted common assault but denied non-fatal strangulation
52. In cross-examination he was asked if there had been a discussion about the presence of bail conditions attaching to Y, but he said he could not recall now whether or not there had been but if something had been said which he considered to be relevant to the incident, he would have included it in his statement. He did not know whether the Officer's concern had in fact been about Y's bail conditions
53. His evidence was that the Officer had been asking who had interviewed Y and wanting an update. At the time that he prepared his statement he had been aware of the importance of what the Officer had said to PS Youngs but he agreed that his statement did not include specific references to things that had been said to her other than remarks which he had attributed to the Officer when he had replied to Sgt Youngs' question whether the suspect was of interest to him: the statement recorded that he had replied words to the effect of "yes, he is very much on our radar. He is a very very bad man." PC Dower said that he did not think he had misremembered that remark and that he would not have been confused as to who had said what although he acknowledged that he had no independent recollection of the conversation today.

The Officer's evidence to the Panel:

54. The Officer has spent about twenty years in service, working in London prior to moving to Cornwall to follow his wife in 2020. He has a clean disciplinary record. He adopted as his evidence what he had said in interview and in his Regulation 31 Response.
55. He described liaisons with various relevant services in order to protect himself and his family from perceived threats by Y towards them. Amongst other things they were provided with a stronghold front door and additional CCTV beyond some CCTV which the Officer himself had previously fitted to their home. In cross-examination he described the CCTV as giving his wife reassurance and providing a deterrent. He was not sure if the deterrence had worked as Y has shown up at the house a few times (often to post something) although he had not made a nuisance of himself when doing so. The Officer was taken to his interview from which it appeared that the new door and additional CCTV had in fact been fitted in the six or seven months prior to the interview by which time Y had moved out of the area. However, the Officer said that it had been a long process to get the door fitted. He denied that getting the door and additional CCTV had been designed to make the perceived threat from Y appear worse than it was and in any case these precautions had been arranged by his wife.

56. He produced two video clips taken by X on his mobile phone. He said that he had been sent those clips on about 2 – 3 February 2022 (on the date when the videos had been taken) and that X had told him that Y had been speaking about killing the Officer and his wife. Reports had been made both to the Metropolitan Police and his current Constabulary relating to the Officer's concerns about Y. He said that he had always been open and honest with all of his colleagues that he had worked with about the difficulties both with X and Y and that as far as he was concerned everyone at Newquay police station knew the family history. He said that many of his colleagues had dealt with both X and Y in the past and he felt it was right that they should know about the family dynamics.
57. He drew attention to the evidence from Barnardo's which he said provided examples of some of the support that his wife had obtained.
58. He was asked about the Association Agreement into which he had entered and he acknowledged that he had been aware of the limitations placed upon him and that it was a very important document. As to what he had done on 8 February 2024, he described what had happened. He had become aware of a log on his patch which originated from a report by a third party. He had had no idea that the log related to X in any way. Someone had seen a video on their daughter's phone of two young people having sex and the log mentioned X having been one of those people. The Officer had gone to the Response Office and spoken to the supervisor there, Sgt Bear. He had told him of the log. One of his officers was due to deal with the log and the Officer told Sgt Bear that he believed the male on the video to be X and that the other person was likely to be X's then girlfriend. Sgt Bear had told him to put the relevant details on niche. The Officer had told him that X was an associate but Sgt Bear had told him to go into the OEL as he would not then be searching the system and to place the details there. It was put to the Officer that this interaction with Sgt Bear had not been mentioned by him in his interview, but he said that he had not been asked about it and that he had only referred in his interview to his line manager at the time not having been available.
59. In cross-examination the Officer was taken to the OEL recording the alleged assault on X by Y on 11 March 2024. As a result of that alleged assault, X had come to stay in the Officer's house temporarily, arriving there at latest by the afternoon of 12 March. An officer had then come to take a statement from X and the Officer had been present when the statement was taken, but the Officer could not remember his name. In fact, though the OEL recorded that it had been Alfie Peters, who was a witness tendered on behalf of the Officer. The Officer said that he had suggested Mr Peters as a witness because he had previously dealt with X.
60. The Officer said that he did not recall having ever been given a crime reference number relating to the alleged assault on X, nor could he remember his wife getting one. He said that he did not recall if he had asked for a crime number or not. It was put to him that as an experienced officer he would know that getting the crime number was a route to getting information about an alleged crime. He said that it

had been his mistake not to get one from Mr Peters. He had also not asked which unit was going to be dealing with the case going forward.

61. The Officer said that on 13 March 2024 he had started work at 2pm and his shift would have lasted until at least 10pm. At some point on the night of 12 March someone had called his wife to say that Y had been arrested. He recalled that before going to work his wife had been very emotional and had not wanted him to go to work as she did not feel safe. He probably told her that he had to go to work and that she should make sure the door was locked and that she called 999 if Y appeared. The Officer said that he had been terrified that Y would be bailed and would then come to seek revenge. If he and his wife knew that appropriate bail conditions had been put in place, that would provide them with some slight confidence as to their safety.
62. When he got to work the Officer said that he received at least six calls from his wife. On one occasion she had asked him to come home as she did not feel safe. He had told her that he had to work but that if he discovered that Y had been released without appropriate bail conditions, he would immediately come home. He had been at work when he had accessed the live whiteboard at 4.35pm (which had shown that Y was no longer in custody) and throughout the period from 2pm to 4:35pm. He could not explain why it was only at 4.35pm that he had checked the whiteboard. He believed that he had then gone immediately to the custody unit.
63. In his interview the Officer said that he had been looking for DC George Stuckey in the office on 13 March 2024 but in his evidence to the Panel he said that he had only learned that Mr Stuckey was the officer in the case 11 days later and he could not explain in those circumstances why he had been looking for Mr Stuckey on 13 March, nor in fact did he remember if he had been looking for him on that date. It was put to him that he had not in fact looked for Mr Stuckey at all.
64. The Officer said that it was possibly the case that Sgts Endean and Youngs were the only supervising officers in the building that afternoon. He did not know if he had gone to the Moonstone office that afternoon although it was put to him that that should have been his first port of call; the Moonstone office was on the first floor of the same block as the custody block. The PDU was in a separate building accessed by a walkway on the ground floor. It was put to him that going to the PDU was further away than going to the Moonstone office. The Officer said that he did not know why he had not gone to the Moonstone office and he accepted that he had thought it likely that Moonstone were dealing with the case. He could not recall why he had gone to the PDU but speculated that perhaps there had been no one in the Moonstone office.
65. He said that throughout 13 March 2024 he had just wanted to know that his family was safe and that suitable bail conditions had been imposed on Y. When he had spoken to both sergeants on that day, he had assumed that they were aware of the link between him and X and Y. It had not been his intention to be dishonest or to glean information by not disclosing information to his colleagues, but he now understood that he had made a mistake and that he should have explained the

situation to them. He said that he had been getting a lot of pressure from his wife and it had been a highly emotional situation and he thought that he had let that emotional state get the better of him as a father and someone concerned for the safety of his family. He accepted that if his colleagues had known about his links with X and Y, they might have dealt with his questions in a different way. He was ashamed that he had put his colleagues into a position where they felt that he had misled them. He had found the subsequent disciplinary process long and painful and never wanted to be in a similar situation again; he would welcome the opportunity to educate other officers to ensure that they did not find themselves in that position.

66. The Officer's account was that Sgt Endean had confirmed to him that Y has had bail conditions imposed not to attend the Officer's address and that when he had asked for a copy of the bail conditions and had told him about wanting them for the purpose of seeking an injunction and to give to the social worker, the Officer has been told to go upstairs and speak to someone about that request. The Officer had not told Sgt Endean that the reason he wanted to know about the bail conditions was because of a concern that Y would come to his house because he thought that Sgt Endean knew of the association with Y and of the risks. The Officer denied that he had refrained from telling Sgt Endean why he wanted to know the bail conditions because he knew that, if he did, Sgt Endean would not provide them. He also denied that Sgt Endean has ever said that he could not provide a copy of the bail conditions as they were not being sought for a policing purpose. He believed that he had been told to go and see a supervisor because Sgt Endean had wanted him to talk to someone involved in the case. The Officer also said that he had left Sgt Endean's office without the bail conditions because Sgt Endean had had to take an important call and he had not wanted to wait for the call to end.
67. The Officer had not phoned his wife immediately on learning of the bail conditions and could not recall when he had phoned her. He said that he had wanted an absolute reassurance about the bail conditions having been put in place. He could not say why he had needed reassurance from someone else other than that he had been emotional and there was a lot going on. In any event he thought that he had immediately gone across to the other building and to the PDU office on the top floor of that other building. He could not say how he knew that PDU had been dealing with Y. At the PDU he had asked Sgt Youngs about the bail conditions, but he did not know why he had not asked her for a copy of the bail notice or about seeking to change X's own bail conditions relating to residence. He did not accept that he had asked Sgt Youngs what Y had said in his interview or that the story that he had asked her about the bail conditions was a fabrication.
68. The Officer was taken to the OEL which recorded that at 1705 on 13 March 2024 Mr Stuckey had phoned his wife to tell her that Y had been released and that bail conditions had been put in place relating to their home address. The Officer said that his wife had not called him to tell him of that phone call and that she had always maintained that she had never received a call from anyone telling her about Y having bail conditions.

69. He was asked about emails that he had sent to PSD following his second conversation with Sgt Youngs informing them of the situation. He said that he had realised his mistake in not explaining to her his family situation and assuming that she already knew it. His evidence was that he had always been open and honest and written to PSD, normally copying in his Sergeant, and that he only failed to do that in relation to the first email to PSD because he had been upset and scared. As to the first of the two emails which the Officer had sent to PDU (at 5.43pm on 13 March) he was asked why he had not sent it on his arrival in the office at 2pm. He said that his priority then had been about Y's bail conditions. In his second email to PDU, by his reference to wanting to be updated with the outcome of the interview as the victim to relay to X he had meant wanting to receive normal victim updates.
70. The Officer accepted that he had previously received a telling off from Inspector Hick for having gone to see X when he had been in custody but he said that on that occasion he had asked permission from the custody sergeant to do so for the purpose of calming X down once he had realised that X was in custody.
71. In answer to questions from the Panel, the Officer provided some clarification of his evidence as follows:
- a. the Officer had told most of the officers he had worked with about his family situation and he believed that supervisors would be aware of what their officers knew.
 - b. In describing his emotions having got the better of him on 13 March 2024, the Officer clarified that he had known that his primary responsibilities were as a police officer, but he had allowed his upset to cloud his professional judgment at that point. He now knew how to deal with that sort of situation if it ever arose again; he would go to the Duty Inspector first and make him fully aware of the situation and take guidance from him.
 - c. He did not know whether his wife had mentioned that her husband was a police officer when she had contacted the control room to report the alleged assault on X. His assumption was that a report of a domestic abuse involving X and Y would mean that most people in the office would connect it with him but he did not know what if any impact that would have on the allocation of the case.

PC Carthew:

72. PC Carthew knew the Officer from work and had known him for about five years, working together in B Section of the Response Unit where a Sgt and between two and four people worked. His estimate was that in total maybe 30 or 40 people, perhaps more, worked at the police station in Newquay.
73. He knew about the Officer's family situation and on two occasions and had to speak to X about antisocial behaviour and on one occasion that had to deal with Y. He

believed that most of the people working on the frontline knew of the Officer's family situation.

74. He had worked with the Officer in the Response for about a year after which they had spent maybe four years together in the Neighbourhood team until about two or three months ago although he had not seen the Officer at work for a while.
75. Not everyone knew of the Officer's family circumstances, some having no need to know. His evidence was to the effect that in the teams in which he and the Officer worked, they would come into contact with some other units but by no means all units working in the Newquay police station. He gave limited examples of people he had heard talking about the Officer's family situation but nevertheless estimated that 80 to 85% of front line officers would have known about it. He could not say what knowledge those working in the custody unit or PDU would have about it.
76. He had never found it a problem getting hold of a supervisor: his sergeant had always been available even if off duty and he had T/I Weager's mobile phone number if he needed to contact him.

Temporary Inspector Weager:

77. T/Insp Weager was the Officer's line manager in the neighbourhood team and his welfare officer ever since this case started. The Officer had told him early on about his personal circumstances in connection with X; he had been very open about his stepson's issues and had spoken to everyone in the team about it. Inspector Blackford was also aware of that connection, as he was the Officer's second line manager.
78. He estimated that about 150 people worked in the Newquay police station including civilian staff, of which about 100 were police officers. Of those about 50 were frontline officers meaning patrol officers, neighbourhood staff, moonstone staff and CID. He thought that of the frontline officers about 75% of the response officers and neighbourhood officers would have known about the Officer's connection with X.
79. Although he was not sure he had seen it before, he was aware of the Association Agreement which he knew was an important document. He had spoken to the Officer about it and had said that if there were any issues concerning X, he should come to discuss them with him or else with his second line manager.
80. He always tried to make himself available for staff who would often get hold of him even if he was not on duty. He recalled having had texts from the Officer when he was off duty but could not recall if he had ever had phone calls from him. If he had, he would have picked up any call from the Officer or at any rate would have called him back as soon as he could. He agreed that if the Officer had texted him about the events of 13 March it would have stuck in his mind.
81. As for what had taken place on 13 March 2024, he had a recollection of receiving something from PS Dawes about issues concerning the Officer, the message being to

the effect of make sure you go through the proper channels. However, he would not have spoken to the Officer about this prior to PSD deciding what to do in connection with the referral that it had received.

82. He said that there were about 8 or 9 people working in the neighbourhood team. He did not recall anyone from the response team telling him that they knew about the Officer's personal circumstances and nor had he heard anyone outside the team speaking about the Officer's son.
83. It emerged that he was under the (incorrect) impression that X had been living with the Officer in 2023 from which he had therefore assumed that other colleagues would know of the link between them.
84. He estimated that between 5 and 10 people worked in the PDU unit. He would assume that any who went to incidents involving X would know of the link between him and the Officer. He estimated that between 15 and 20 people worked in the custody unit across five shifts. If X has been brought into custody, those present may have known of that link.

The Panel's Approach

85. The Panel received written legal advice from the LQP to assist it in its deliberations, that advice having been approved by both counsel. The Panel accepted the advice and applied it to its deliberations. For ease of reference a copy of the advice is appended to this determination.
86. The Panel adopted the following approach to determining the relevant issues before it:
 - a. first it ascertained the facts whether admitted or found proven;
 - b. it then proceeded to determine whether, based on the proven or admitted facts, the Officer had breached any of the Standards alleged and, if so,
 - c. it would then proceed to decide whether such breach constituted misconduct, gross misconduct or neither.

Dependent on the Panel's conclusions on the above, it would then proceed to decide on the appropriate outcome.

Determination

87. The Panel considered all of the submissions made to it on behalf of the AA and the Officer. The Panel considered the entirety of the bundle, the two video clips, the additional niche computer records and audit documents supplied and the extensive oral evidence.

88. In arriving at this stage 1 determination the Panel spent time:

- a. Assessing the credibility of all the witnesses who provided oral evidence.
- b. Assessing the extent to which the Officer was in genuine fear on 13 March 2024 and the impact such fear or concern had on his rationality and judgment when he interacted with Sergeant Endean and subsequently Sergeant Youngs
- c. Assessing whether his asserted belief that most police officers in Newquay knew of his personal circumstances with X and or Y was genuinely held at the time of his interactions with Sergeants Endean and Youngs (applying the relevant standards set out in the legal advice).

89. The Panel's assessment of these matters was as follows:

- a. as to the credibility of the witnesses, the Panel regarded all of the AA's witnesses as honest and credible. All appeared to be keen to assist the Panel and not to have any axe to grind. The Panel also considered the two witnesses called by the Officer to have been honest and truthful witnesses although each appeared to have overestimated the extent to which the Officer's personal circumstances were known within Newquay police station. The Panel had reservations about the Officer's evidence; even making allowance for his good character and for the obvious strain of giving evidence at a misconduct hearing, he was at times unable to answer straightforward questions and at times appeared evasive.
- b. whilst the Panel accepted that the Officer was in genuine fear on 13 March 2024, it considered that he had exaggerated the extent of that fear. It reached this view having regard to a number of factors, in particular that the recent alleged assault had been perpetrated on his stepson, not on him or his wife; that the evidence was that Y had not previously visited the family home and made a nuisance of himself; and the evidence about the fitting of a stronghold door and CCTV was less than compelling with regard to its timing. The Panel concluded that the level of his fear was moderate and that the Officer had not been terrified or petrified to the extent that he stated: it considered that had he been as terrified or petrified as he claimed, he would not have left his wife in the family home on 13 March, on his evidence not knowing what the position was with regard to Y and his bail. The Panel concluded that the Officer's state of mind had clouded his judgment in his dealings with his colleagues on 13 March but not to the extent that he did not know what he was doing.

- c. The Panel was satisfied that the Officer did hold a genuine belief that his family connections were extensively known within Newquay police station (particularly across front line uniformed officers) but that belief reflected an overestimate on his part of the state of that knowledge – as would have been apparent to him from his interactions with Sgt Endean.

90. Having applied the Advice to its deliberations:

- a. The Panel drew no adverse inference against the Officer for his failure to mention his alleged conversation with Sgt Bear during his interview (or in his Regulation 31 Response), considering that it would be unfair in all the circumstances so to do.
- b. The Panel gave appropriate weight to the Officer's good character although the weight afforded to it had to be balanced against the evidence from witnesses who had no reason to lie or exaggerate in their evidence to the Panel.
- c. The Panel took account of the evidence contained in the statements provided by the Officer's wife and by Mr Peters. However, it gave only limited weight to those statements as neither attended the hearing for cross-examination (notwithstanding that reasons were provided in each case for their absence) and thus the AA was deprived of the opportunity to test their evidence in cross-examination.

91. The Panel's determination on each factual allegation set out in the Regulation 30 Notice is as follows (by reference to the paragraph numbers appearing in that Notice):

Paragraph 1: Proved by admission

Paragraph 2: (a) and (b) Proved by admission

Paragraph 3: Proved

Paragraph 4: Proved

Paragraph 5: *Removed by the Appropriate Authority prior to determination*

Paragraph 6: (a), (b) and (c) Proved by admission

Paragraph 7: *Removed by the Appropriate Authority prior to determination*

Paragraph 8: Proved

Paragraphs 9: (a-b): Both of these paragraphs were Proved by admission

Paragraph 9 (c): Not Proved - In common with T/Inspector Weagar and PC Carthew, the Officer proceeded on an overestimated assumption as to the extent of the knowledge that his colleagues in Newquay police station had about his connections with X and Y. Nevertheless, the Panel concluded that the Officer held an honest (even if mistaken) belief as to the extent of that awareness amongst his colleagues and that he approached Sgt Endean on the basis of that belief and in what he believed to be an open manner.

Paragraphs 9 (d, e and f): each of these paragraphs were Proved by admission

Paragraphs 9 (g-h): Each of these paragraphs were Proved. The Panel accepted the evidence of Sgt Endean, who it considered to be a credible and reliable witness, as to what took place in his interaction with the Officer on 13 March 2024.

Paragraph 9 (i): Proved. The Panel accepted the account of Sgt Youngs, recorded in a contemporaneous statement, which was also supported to some extent by the email from the Officer to Professional Standards at 18.58 on 13 March 2024 which included these words: *"I have also asked involved officers to update me today with the outcome of the interview (not detailed) as the victim to relay to X."*

Paragraphs 9 (j, k, l, m and n): Proved. The Panel accepted the evidence of Sgt Youngs and PC Williams on the key issues. It reached the following conclusions: when approaching Sgt Youngs, the Officer did not ask about Y's bail conditions; there would have been little point in doing so given that he has already been told the position by Sgt Endean. Rather the Officer sought information from Sgt Youngs about Y's interview. In doing so, prior to any information being relayed to the Officer whilst he was with Sgt Youngs, the Officer took no positive steps to explain to her his relationship with X or Y. That was against the context of Sgt Endean having only just declined to provide a copy of Y's bail notice to the Officer once the Officer had (in response to a question from Sgt Endean) explained that he wanted the bail notice for the purpose of seeking an injunction and to pass to a social worker, so leaving the Sergeant to conclude that it was not being sought for a policing

purpose. In light of that refusal by Sgt Endean it would have been reasonable to expect that the Officer would disclose his connection to X and Y when seeking further information from Sgt Youngs. In fact, the Panel concluded that he did not do so before such information was provided. The Panel concluded that it was clear from the Officer's interaction with Sgt Endean, that Sgt Endean did not know about the Officer's connection to X and Y and that by the end of that interaction, the Officer would have been aware that this was the case. The Panel concluded that his belief that PS Youngs must have known about his association with X and Y was less likely because he had just interacted with a uniform Sergeant who clearly did not know.

However, after information about what had been said in interview by Y had been provided to him by PC Williams (in the presence of Sgt Youngs), the Officer made a remark about Y being on "his" or "our" radar, which implied that his interest was a policing one, when it was not. PC Dower's evidence was that the Officer had also said that "he [Y] is a very, very bad man" before leaving the office. Whilst the Officer denied having used those words, and they were not recorded in Sgt Youngs' statement, the Panel considered it more likely than not that those words were said by the Officer and that Sgt Youngs either did not hear them or did not focus on them.

92. In light of the above factual findings, the Panel determined as follows in relation to the alleged breaches of the Standards:

- a. Honesty and Integrity: the Officer did not breach this Standard by his conduct on 8 February 2024 (allegation 6). The panel considered that the actions the Officer took in putting the intelligence onto the OEL (Occurrence Enquiry Log) were neither dishonest, nor displayed a lack of integrity. Although there was a lack of professional judgment, the Panel considered the Officer was trying to do the right thing to get relevant information onto the crime investigation system. Nor did he breach that standard by his conduct on 13 March 2024 in his interactions with Sergeant Endean. However, his intentional failure to tell Sergeant Youngs of his association with X and Y before asking her to provide him with information about Y amounted to both a failure to act honestly and a failure to act with integrity.
- b. Authority, Respect and Courtesy: the Officer breached this Standard by his conduct on 13 March 2024 in intentionally failing to tell Sgt Youngs of his association with X and Y, thereby causing her to provide him with information that she would not otherwise have provided. The Panel concluded that there was no such breach in relation to the Officer's interactions with Sgt Endean on that date.

- c. Confidentiality: the Panel did not consider that the Officer breached this Standard by failing to treat information about X and Y with respect, but that by accessing information about Y otherwise than in the course of his police duties, he did breach this Standard (something in any event admitted by the Officer in his Regulation 31 Response).
- d. Discreditable Conduct: the Panel noted that to a limited extent in his Regulation 31 Response the Officer admitted a breach of this Standard. The Panel made its own assessment and concluded that this Standard had been breached by the obtaining of sensitive information about Y only (not X) by failing to be open and honest with colleagues; it did not consider it to have been breached by the Officer using his position as a police officer to obtain sensitive information about X and/or Y.

Misconduct or Gross Misconduct

- 93. The Panel reminded itself of the purpose of misconduct proceedings and that gross misconduct is a breach of the Standards so serious that it could justify dismissal.
- 94. The Panel referred to pages 15 – 35 of the Guidance on Outcomes in Police Misconduct Proceedings published by the College of Policing in 2023. Whilst this was not considered to be a case of operational dishonesty, the Panel has made serious findings against the Officer, including a finding that he acted both dishonestly and with a lack of integrity. In addition, it has found that the Officer sought and obtained confidential police information otherwise than for a legitimate policing purpose (albeit such information sought may well have been disclosed to him and his family in due course in any event given that X was the alleged victim of a crime perpetrated by Y).
- 95. As to culpability factors, the Panel considered the Officer's misconduct to have been intentional but not planned and to have taken place over a very short period of time when, it accepts, he would have been emotional and stressed following the alleged assault on his stepson and concerns which he and his wife had for their safety. As to harm caused or risked, the misconduct placed at risk the reputation of the force and undermined discipline within the police service. It also placed a colleague, Sgt Youngs in particular, in a very difficult position and she gave evidence as to the understandable upset when she realised that she had caused information to be disclosed to the Officer which she would not have permitted to happen had she appreciated his connections with X and Y.

96. Having initially assessed Culpability, Harm, Aggravating Factors and Mitigating Factors, at this stage of the process, the Panel concluded that the breaches which it has found collectively constitute **gross misconduct**.

OUTCOME

1. Having regard to its decision on the facts and the breach of the Standards of Professional Behaviour, the Panel went on to deliberate about the Outcome. In doing so, it considered again the full details of this case and the entirety of the factual context which we will not repeat.
2. The Panel bore in mind that the object of misconduct proceedings is not to punish police officers. It considered each of the three stages referred to by Mr Justice Popplewell (as he then was) as mentioned at paragraph 4.2 on page 15 of the Guidance on Outcomes in Police Misconduct Proceedings (“the Guidance”).

The purpose of misconduct proceedings and the imposition of sanctions

3. The purpose of misconduct proceedings is threefold: to maintain public confidence in and the reputation of the police service; to uphold high standards in policing and deter misconduct and to protect the public. The purpose has been developed in various judgments including those in:
 - a. *Redgrave v Commissioner of Police of the Metropolis* [2003] EWCA Civ 4 at [38], where 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.
 - b. *R (Green) v Police Complaints Authority* [2004] UKHL in which Lord Carswell noted the great importance of public confidence and said that: “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.”
 - c. *Salter v the Chief Constable of Dorset* ([2012] EWCA Civ 1047) in which the court emphasised that the primary purpose of misconduct proceedings is the maintenance of public confidence in the police service and that such extends to all cases of misconduct, whichever Standard of Professional Behaviour has been breached.
 - d. We will refer further below to the judgment in *Salter*.

The Panel’s deliberations and analysis

4. The Panel read the Officer’s record of service. The Panel noted that there was no record of any live disciplinary sanctions against him. It also read the bundle of 4 character references on the Officer and a certificate recognising his service with the Royalty and Specialist Protection Department.
5. The AA’s submission in summary was that this was a very serious case in which the Panel had found dishonesty (which it was submitted was close to operational dishonesty) and a lack of integrity on the part of the Officer, and that nothing short of dismissal would fulfil the purpose of these proceedings.

6. On behalf of the Officer, the seriousness of the case was acknowledged. However, it was submitted that on the facts found by the Panel it was open to it to impose a final written warning rather than dismissal rather than ending the Officer's career, such was the appropriate sanction and would be so perceived by members of the public fully apprised of the facts of the case.
7. In determining the appropriate outcome the Panel reviewed the Guidance and in determining the appropriate and proportionate outcome applied the three stage process referred to in it. In doing so, it cautioned itself against any double counting.

Assessment of seriousness of the misconduct

8. In assessing seriousness the Panel considered the Officer's culpability for the misconduct, the harm caused by it, the existence of any aggravating factors and the existence of any mitigating factors.

Culpability

9. The more culpable the behaviour in question, the more serious the misconduct and the more severe the likely outcome (paragraph 4.9 of the Guidance). As to culpability the Panel bore in mind that:
 - a. Conduct which is intentional or planned is generally more culpable than conduct which has unintended consequences (paragraph 4.10). Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm (paragraph 4.11).
 - b. As already found, the conduct of the Officer in this case was deliberate and intentional but not the subject of detailed planning. Rather it was impulsive and took place over a short period of time when the Officer was emotionally stressed for the reasons described in the Panel's earlier finding that his behaviour amounted to gross misconduct. The Panel considered that the Officer could reasonably have foreseen the risk of harm of the sort described below but placed his own interests above his policing duties in his conduct following his encounter with Sgt Endean.
 - c. Honesty and integrity are fundamental requirements for any police officer and so any evidence that an officer is dishonest or lacks integrity must be treated seriously.
10. The Panel considered the sections of the Guidance dealing with operational dishonesty, impropriety or corruption and with data protection and misuse. It did not consider this to be a case of operational dishonesty although the behaviour in question bore some similarities in the sense that the Officer had sought and obtained information in relation to an ongoing police investigation for a non-policing purpose.
11. It noted the statement at paragraph 4.30 that there may be cases where an officer has behaved dishonestly in a way unconnected to a police operation or investigation and which could be regarded as minor or trivial in nature. In those cases, the circumstances

must be examined with care by reference to the four categories for assessing seriousness mentioned in paragraph 8 above.

12. The Panel carefully considered paragraphs 4.34 – 4.36 of the Guidance, and bore in mind that accessing confidential police information without a legitimate policing purpose is an abuse of an officer's position and may merit dismissal in serious cases. There is both a public expectation and a legal requirement that information held by the police should be treated in strictest confidence and used only for legitimate policing purposes; if an officer is accessing police information not available to the general public, there should always be a specific and proper policing purpose for so doing.
13. Whilst the Officer's behaviour in seeking and obtaining (from his visit to Sgt Youngs) confidential police information without a legitimate purpose was unquestionably an abuse of his position, the Panel did not view the conduct as being at the highest end of seriousness: that conclusion was reached because, as a relative of the victim of an alleged assault (his stepson), the information sought and obtained would have been provided to the Officer shortly afterwards in any event.

Harm

14. The Panel had regard to the statement on page 28 of the Guidance that *"Harm will likely undermine public confidence in policing... Where an officer commits an act which would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims."*
15. Harm caused or risked by misconduct varies and the Panel reminded itself that the relevant misconduct may affect particular individuals as well as the wider community. One aspect of this is that victims may suffer psychological distress. The Panel bore firmly in mind paragraphs 4.66, 4.69 and 4.74 of the Guidance.
16. The harm caused or risked in this case was:
 - a. Reputational harm to the police force and to public confidence in policing occasioned by the Officer's behaviour in seeking, and obtaining, information about Y otherwise than for a policing purpose and doing so without first explaining to a supervisor the precise reasons for his interest in so doing.
 - b. Distress to his colleagues with whom he interacted when seeking, and obtaining, that information. In particular Sgt Youngs gave evidence as to her understandable upset when she discovered what had happened. It put her in the difficult position of feeling the necessity of reporting the matter to Professional Standards and then having to become involved in these proceedings as a witness. #

The existence of any aggravating factors.

17. The Panel considered that there was little in the way of aggravating factors. Whilst it took account of the submissions made by the AA, and bore in mind its finding of multiple breaches of the Standards, it viewed the misconduct as essentially relating to a single incident of relatively brief duration.

The existence of mitigating factors which might tend to reduce the seriousness of the misconduct and personal mitigation.

18. Having heard arguments from both the Appropriate Authority and Officer the Panel concluded that it was right to consider the degree of emotional pressure he was under and the extent to which this impacted his judgment within mitigating factors (rather than just within personal mitigation). The Panel accepted that the Officer was suffering under a period of significant emotional stress on 13 March 2024 and, as he put it, that he allowed concerns for his and his family's safety to take precedence over his policing duties. As already indicated, the misconduct in this case was confined to a single episode of brief duration. The Panel accepted that the perceived threat from Y did affect his judgment on that date (notwithstanding the Panel's earlier finding that the extreme levels of fear had been exaggerated by the Officer in his regulation 31 response and in his oral evidence) and that he was suffering from stress which may have affected his ability to cope with the situation that he perceived on 13 March 2024. Further, the Officer showed genuine remorse and some level of insight and (at least to some degree) accepted responsibility for his actions.
19. So far as personal mitigation is concerned, the Panel had regard to the Officer's 20 years of service as a police officer, to his previous good character and to the character references provided on his behalf. However, it reminded itself of the approach it should take to such personal mitigation. In the case of *R (on the application of Williams) v the Police Appeals Tribunal* ([2016] EWHC 2708 (Admin)) Holroyde, J said that:

"the importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation..."

This does not mean, of course, that personal mitigation is to be ignored.... On the contrary, it must always be taken into account.... But where the gross misconduct threatens the maintenance of public confidence and respect in the police – as gross misconduct often will – the weight which can be given to personal mitigation will be less than would be the case if there were no such threat and if the disciplinary body were a court imposing a punishment. Whether the circumstances are such that the sanction of dismissal is necessary will be a fact-specific decision: where the facts show dishonesty, case law establishes that dismissal will almost always be necessary, and dismissal will often also be necessary where the misconduct involves a lack of integrity;

where the facts show that one of the other Standards has been breached, the appropriate outcome will depend on an assessment of all the circumstances, with proper emphasis being given to the strong public interest in the maintenance of respect and confidence in the police and consequently less weight being given to personal mitigation.”

The purpose of imposing sanctions

20. Having regard to the seriousness of the misconduct as the Panel found it to be, the Panel kept in mind the purpose of misconduct proceedings and of imposing sanctions as explained above.

The sanction which most appropriately fulfils the purpose of these proceedings

21. The Panel considered which sanction would most appropriately fulfil the purpose of imposing sanctions given the seriousness of the conduct in question and the aggravating and mitigating factors referred to above. Subject to the principles set out in *Salter* and in the Guidance, it reminded itself that it should consider less severe outcomes before more severe outcomes, choosing the least severe outcome which adequately addresses the issues identified whilst protecting the public interest. It did not consider that the imposition of a written warning would be sufficient to mark the serious misconduct in this case. The next question which it considered very carefully was whether a final written warning of five years duration would suffice. In that regard it bore in mind all of its findings above and concluded that the proportionate and appropriate outcome in this case was that the Officer would be served with a final written warning which would last for five years from today’s date. It formed the view that members of the public, properly and fully appraised of all of the facts set out above, would regard that as an appropriate sanction in this case. It was the most serious sanction that could be imposed on a police constable short of dismissal and was on any view a severe sanction which would apply to the Officer for a considerable period of time which would give him the opportunity to reflect on, and learn from, his misconduct in this case and to improve his behaviour.

22. The Officer will be given full details of his right of appeal against the Panel’s determinations.

23. This decision will be published.

Craig Holden
Panel Chair
29/04/2026