NOTICE UNDER REGULATION 43

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

DEVON & CORNWALL POLICE.

Appropriate Authority

v

Former Special Constable 74668 Matthew Chamberlain

Panel

- Chair – Mr Ian Saunders ACO (Retired ACC)
- IPM – Mr Michael Marshall
- IPM – Mr Geoffrey Brighton
- LQP – Mr James Rickard

Legal Representation

- Counsel for the AA – Mr Philip Matthews
- Former SC Chamberlain was unrepresented in this hearing.

References

(i) The Chair – ACO Ian Saunders

(ii) AA – Appropriate Authority

(iii) LQP – Legally Qualified Person

(iv) The Police (Conduct) Regulations 2020 (Amended) 2024 will be "the Regulations", or as 'Regulation' and then the Regulation number referred to.

(v) The Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office will be the 'H.O.G' and the relevant paragraph number an example being [H.O.G 9.10].

(vi) The College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 will be referenced as 'the Guidance' and on occasion together with the relevant paragraph number.

(vii) Pages from the hearing bundle will be referenced for example as [HB page1] or [HB pages 1-3]

Introduction

1. This is the Regulation 43 notice of a Police Misconduct Panel held under the Police (Conduct) Regulations 2020 (as amended by the 2024 amendments) into the conduct of former Special Constable 74668 Matthew Chamberlain (the former officer).

2. The former officer joined Devon and Cornwall Police as a Special Constable on the 16/07/2010. He resigned from the service on 27 June 2024.

3. The hearing was conducted at Devon and Cornwall Police Headquarters, Middlemoor, Exeter. on the 17th and 18th August 2026.

4. Members of the public were permitted to attend however none did so.

Evidence considered by the Panel

5. The Panel were provided with an agreed hearing bundle of evidence of 53 pages and an opening note from the AA.

6. During the hearing the Panel were provided with the following additional evidence by the AA. This additional material has been allocated the page numbers as shown below for ease of reference:

(i) Amended allegations [HB pages 54-55].
(ii) Statement of SI David Scott [HB pages 56-57].
(iii) AA note on calculations [HB pages 58-63].
(iv) MG 11 from Ms EA [HB page 64].
(v) Expense claim presented as raw data [HB page 65-66]
(vi) Expenses Spreadsheet presented as exhibit MS/1 [HB pages 67-72].

7. The Panel confirmed that they had read all the material provided.

Hearing proceeding in the absence of the former officer

8. On 9th April 2024, the former officer was served a Regulation 17 notice [HB pages 8-11].

9. During the subsequent misconduct investigation, he was invited to interview on three occasions but failed to respond. He was written to on 13th August 2024 by the investigating officer at his last known address and he failed to respond [HB page 15].

10. On 5th November 2024, the investigating officer spoke with the former officer on the telephone. During that conversation, the former officer stated that he would not attend for an interview and that he would instead provide an email response to any questions that he may have been required to answer [HB page 15].

11. The former officer provided his email response to a number of questions in relation to the allegations subject of these proceedings [HB pages 31-33].

12. The former officer has not engaged any further in these proceedings and was therefore not present or represented at the hearing.

13. The AA submitted that in accordance with Regulation 37(3)(b) the hearing should proceed in the absence of the officer. In support of this application, the AA informed the Panel that the former officer was aware that the hearing was taking place, that he had chosen not to attend the hearing and had not requested that the hearing be adjourned.

14. Following this application, the Panel requested advice from the LQP on the considerations that it should attach in making its determination. Legal advice was provided by the LQP in relation to the application made by the AA to proceed in the absence of the officer and the Panel also applied its own considerations to this application.

15. The case of *GMC-v-Adeogba 2012,* held that a misconduct Panel has a discretion whether to proceed in the absence of the officer and that such discretion should be exercised with great care.

16. In considering whether to proceed, the Panel were mindful that fairness to the former officer was of paramount concern. However, the Panel noted that fairness to the AA must also be considered when making its decision.

17. In determining the issue, the Panel had regard to the following:

    a) The nature and circumstances of the former officer's behaviour absenting himself.
    b) Whether an adjournment might result in the former officer attending voluntarily and/or not disrupting the proceedings, and the likely length of any such adjournment.
    c) Whether the former officer wished to be legally represented or has by his conduct waived his right to be represented.
    d) The extent of the disadvantage to the former officer not being able to give his account of events.
    e) The risk of the Panel reaching an improper conclusion about the absence of the former officer.
    f) The general public interest that a hearing should take place within a reasonable time of the alleged events.

18. Having considered the AA's submissions, the legal advice provided by the LQP and its consideration of points (a) to (f) above, the Panel directed that the hearing should proceed in the former officer's absence.

19. This decision was made on the basis that the former officer had voluntarily absented himself from the hearing and an adjournment was therefore unlikely to secure his attendance in the future. The former officer had not engaged in the misconduct process other than to provide an emailed response to a number of questions. The Panel were informed by the AA that the former officer was aware that the hearing was taking place and had raised no objection to it doing so in his

absence. The Panel found that it would not be unfair upon the former officer to proceed in his absence.

Allegations

20. During the hearing, the AA amended the allegations made against the former officer [HB pages 54-55].

21. The Panel carefully considered those amendments. They concluded that the changes made by the AA did not alter the nature of the allegations to such an extent that it would be unfair to proceed without providing the former officer with the opportunity to provide a submission in response.

22. The amended allegations are shown below:

> "It appears that your conduct may have fallen below the Standard of Professional Behaviour, as it is alleged that:

1. You joined as a Special Constable on 16 July 2010.
2. You volunteered with the Barnstable Cadet program whilst a Special Constable.
3. The Barnstable Cadet program was paused on 6 June 2023, with no events taking place after this date.
4. You claimed Cadet expenses in respect of the following eleven dates when there were no Cadet events on these dates: 15/06/2023, 06/07/2023, 14/09/2023, 19/10/23, 09/11/23, 23/11/23, 30/11/23, 07/12/23, 04/01/24, and 11/01/24.
5. Between 5 January 2023 and 28 January 2024, you have made 32 expenses claims for passengers being present in your car, naming those passengers as PC Young and KM.
6. PC Young states that you gave him a lift on a small number of occasions.
7. KM left the force on 4 November 2022 so could not have been a passenger in your car for the purposes of work after this date.
8. Allegation 8 was removed by the AA in its entirety.
9. On 28 January 2024 you completed a claim form for a tour of duty from 07:00 – 20:00 (a 13-hour shift). You were not booked on duty for this shift.

10. You were asked about this shift by your manager SI Scott. You informed him that you had been on duty as a Police Cadet Leader.
11. There were no cadet meetings or events on this date.
12. Allegation 12 was removed by the AA in its entirety.
13. As a result of the false expenses claims, you have been able to claim back £407.70 over the relevant period, which you were not entitled to, broken down as follows: mileage (£335.40); subsistence (£72.30).

Your said conduct is in breach of the Standards of Professional Behaviour of Honesty and Integrity and Discreditable Conduct in that:

A. You have been dishonest in your expenses claims and have financially benefitted from this dishonesty.
B. Your conduct lacks integrity and amounts to discreditable conduct as it would discredit the police force were members of the public aware.

Your said conduct individually and/or cumulatively amounts to gross misconduct".

23. In summary, the AA alleged that

(i) The former officer submitted false subsistence and mileage claims, stating that he was attending cadet related events when there were no such events;
(ii) The former officer had falsely added passengers to mileage claims in order to receive an enhanced payment for every additional person;
(iii) The former officer had claimed to be on duty, either as an operationally deployable officer or as a cadet leader, when this was not the case (and thereby accumulated hours falsely).

The former officer's response to the alleged misconduct [HB pages 31-33]

Question 1:

You have said that on 32 of the car journeys, that PC Young and KM were passengers in your car. PC Young has said he only travelled with you on a few occasions. Why have you claimed for 32 journeys?

Response:

Thank you for your question. I understand the concern regarding the discrepancy in the number of journeys involving PC Young.

The claim for 32 journeys was based on my records, which were intended to reflect all instances where passengers travelled with me. However, I may have mistakenly included trips where only KM or other passengers were present, rather than specifically PC Young.

My intention was to be thorough, but I realise now that this may have led to an overestimation in the records. The claim was submitted based on my initial records, which I now realise may have inadvertently included trips made after KM resigned in November 2022.

This was an error on my part, as I should have double-checked the dates to ensure that only eligible journeys with her as a passenger were included.

Question 2:

You have claimed Cadet expenses on the 14/09/2023, 19/10/23, 09/11/23, 23/11/23, 30/11/23, 07/12/23,04/01/24, 11/01/24 and 25/01/24. However, we have been advised that the last cadet event was on the 06/06/23. Can you please explain what the expenses relate to and why you have claimed them.

Response

Thank you for highlighting these dates. I appreciate the opportunity to clarify.

It appears there was an error in the claims submitted for cadet expenses on the listed dates after the last cadet event on 06/06/23. These claims should not have been included, as they do not align with any cadet-related activities. I apologize for this oversight, which may have been caused by mistakenly carrying forward prior entries without verifying recent events.

Question 3

Are the expense claims you submitted a true and accurate account of your expenses and shifts. If not, which claims are not correct?

Response

Thank you for the question. My intention was to submit a true and accurate account of my expenses and shifts; however, I now realise that some entries may not fully reflect this standard due to errors identified in recent discussions.

The specific claims that may not be accurate include:

Claims involving journeys where KM was listed as a passenger after her resignation in November 2022.
Cadet expense claims for dates after the final cadet event on 06/06/23.

I apologise for these inaccuracies and for any confusion they may have caused.

Question 4

Did you intentionally claim expenses when you were not working?

Response

Thank you for the question. I want to be honest in acknowledging that some of the expense claims I submitted were not fully accurate.
In certain instances, I claimed for journeys and expenses that did not take place or were inaccurately recorded, including claims for cadet-related expenses after the final cadet event and journeys listing passengers who were not present.

I take full responsibility for these errors and regret any breach of trust this may have caused.

Question 5

If so, why?

Response

I understand the need for clarification, and I want to address this as transparently as possible.

The inaccuracies in my claims stemmed from poor record-keeping on my part and an attempt to fill in details without fully verifying them against actual events. At the time, I did not fully appreciate the importance of rigorously crosschecking every entry and mistakenly believed my records were accurate without thorough review.

This led me to submit claims that did not entirely reflect the actual journeys or events.

This was a mistake in judgment, and I realise now that I should have been more diligent and precise. I regret any misunderstanding or inconvenience this has caused In addition to the errors in my record-keeping,

I was also dealing with some mental health challenges during the time these claims were made. The stress and worry I was experiencing affected my ability to focus and manage tasks with the level of attention they required. While this is not an excuse for the mistakes, it did contribute to my oversight and poor judgment when submitting the claims.

I sincerely regret that this impacted the accuracy of my submissions. I take full responsibility for the errors and understand the importance of accountability.

Question 6

Is there anything else you would like to add or say regarding this matter

Response

I would like to emphasise that I have been a dedicated volunteer police officer for over 13 years, serving with Devon and Cornwall Police. Throughout my time in this role, I have consistently worked hard, demonstrated integrity, and strived to make a positive impact in the community. I have always taken my responsibilities seriously, and my record over the years reflects my commitment and dedication to the service.

The errors in my recent claims were not a reflection of my usual approach to work or my values. Unfortunately, due to some personal mental health challenges and stress, I failed to meet the high standards I hold myself to, which led to the mistakes in the claims I submitted.

I fully accept responsibility for these errors and deeply regret any inconvenience they may have caused. I hope that my long-standing commitment and service to the police and the community can be taken into consideration as a demonstration of my character and dedication. I truly value the trust placed in me and will take the necessary steps to ensure this situation does not repeat itself.

Thank you for your understanding, and I appreciate your consideration of my circumstances.

If you have any other questions, please do not hesitate to contact me

The Panel's Approach

24. The Panel approached this hearing by:

(i) Firstly, deciding the facts, (Factual Determination);
(ii) Secondly, determining on the facts found, if any professional standards had been breached, (Breaches of Professional Standards), and if so;
(iii) Thirdly, deciding at what level, the panel assessed the seriousness of the breaches, (Level of Breach).
(iv) Lastly, deciding the outcome for the former officer, (Decision on Outcome).

Purpose of Misconduct Proceedings

25. Counsel for the AA reminded the Panel of the threefold purpose of the police misconduct regime as detailed at paragraph 2.3 of the Guidance;

(i) To maintain public confidence in, and the reputation of the police service.

(ii) To uphold high standards in policing and to deter misconduct.

(iii) To protect the public.

Burden and Standard of Proof

26. The Panel was mindful that:

(i) The burden of proof was upon the AA and,

(ii) The standard of proof, which must be applied in this hearing was that as required in civil cases, namely upon the balance of probabilities.

Factual Determinations

Allegation 1

27. Mr Chamberlain joined the Special Constable on 16th July 2010.

28. This evidence is provided in the investigating officer's report [HB page 15] which also refers to the officer's staff history.

29. This allegation was found proven.

Allegation 2

30. The statement of MY confirms that the former officer was a volunteer for the Barnstaple Police cadets [HB page 22].

31. This allegation was found proven.

Allegation 3

32. PC Young provided evidence [HB page 22] that a decision was made to pause the Barnstaple police cadet programme from 6th June 2023 and that the cadet activity did not resume until 6th June 2024.

33. This allegation was found proven.

Allegation 4

34. The Panel were not provided with the 'claim forms" submitted by the former officer as the Devon & Cornwall Police claim system is online and does not use 'hard copy'' claim forms.

35. The Panel were instead provided with original source data of the claims submitted [HB pages 65-66] and analysis by the AA [HB pages 67-72] that showed that Mr Chamberlain submitted claims for cadet expenses on the dates provided in the amended allegations.

36. On the basis of the evidence provided the Panel found that it was more likely than not that the former officer submitted the claims specified in amended Allegation 4.

37. This allegation was found proven.

Allegation 5

38. The Panel were provided with exhibit MS/1 [HB pages 67-72]. This document was a spreadsheet prepared by the investigating officer using raw data obtained from the Devon and Cornwall Police claims system.

39. The Panel were informed by the AA that this exhibit included comments entered by the former officer when he submitted his claims. The AA submitted that the exhibit contained information entered by the former officer himself described the passengers he had stated were present in his vehicle on the relevant dates.

40. The Panel noted on exhibit MS/1 that the former officer had recorded the presence of PC Matt Young and KM in his vehicle on the 32 occasions as alleged by the AA.

41. The Panel further noted the former officer's responses to questions related to his having claimed that PC Matt Young and Ms KM had been present in his vehicle when they could not have been [HB pages 31-32]. In his response he stated that he had made a mistake in submitting this information.

42. The Panel determined that it was more likely than not that the former officer had submitted 32 claims naming PC Young and KM as passengers on the dates specified in the amended allegations.

43. This allegation was found proven.

Allegation 6

44. The Panel noted the evidence provided by PC Young [HB page 22] in which he stated that 'I can remember two or three occasions where he provided me with a lift'.

45. This allegation was found proven.

Allegation 7

46. The Panel noted the evidence provided of an email message sent by the Citizens on Policing administrator to the investigating officer [HB page 29]. In this email it was recorded that KM resigned from her volunteer role on 4th November 2022.

47. The Panel were informed that there was no record available of KM having taken up any other role within Devon and Cornwall Police. Therefore, the Panel, determined that there would have been no reason why she should have been a passenger in a vehicle with the former officer after that date.

48. This allegation was found proven.

Allegation 8

49. This allegation was withdrawn by the AA in their amended allegations.

Allegation 9

50. The Panel considered the evidence provided by Special Inspector David Scott [HB pages 18-19] in which he stated that the former officer had submitted a claim for road policing duties on 28th January 2022 between 0700-2000hrs.

51. SI Scott provided a second statement on 18th August 2026 [HB pages 56-57] in which he stated that he rejected the claim submitted by the former officer for the duty on the 28th January 2024.

52. The Panel were informed by the AA that rejected claims are not recorded on force records. It was for that reason that this claim could not be referenced on the documentary evidence provided to the Panel.

53. Despite the absence of this source data, the Panel placed significant weight upon the evidence provided by SI Scott and the admission made by the former officer [HB page 32] that he had submitted inaccurate claims for police cadet related duties after 6th June 2023.

54. This information allowed the Panel to find it more likely than not that the former officer completed a claim form for a duty on 28th January 2024 when he had not worked that duty.

55. This allegation was found proven.

Allegation 10

56. SI Scott stated that he contacted the former officer to check on the claim he made for duty on 28th January 2024 as his enquiries had suggested that he (the former officer) had not worked that duty [HB page 19].

57. He stated that the former officer immediately called him back and stated that he had made a mistake with his claim. He (the former officer) stated that he had instead been working a police cadet duty and not a roads policing duty as he had originally claimed.

58. This allegation was found proven.

Allegation 11

59. PC Young provided evidence [HB page 22] that a decision was made to pause the Barnstaple police cadet programme from 6th June 2023 and that the cadet activity did not resume until 6th June 2024.

60. The Panel were not provided with any evidence that the former officer had worked with any police cadet other than the Barnstaple unit.

61. On that basis, the Panel were able to determine that there had been no police cadet activity on 28th January 2024 related to the claim made by the former officer for that date.

62. This allegation was found proven**.**

Allegation 12

63. This allegation was withdrawn by the AA in their amended allegations.

Allegation 13

64. In addressing this allegation, the Panel carefully considered the original source data [HB pages 65-66] and exhibit MS/1 [HB pages 67-72].

65. This evidence provided detail of the financial value of the claims submitted by the former officer as specified in the amended allegations.

66. The evidence provided to the Panel showed that the former officer had claimed for mileage expenses of £335.40 and subsistence expenses of £72.30.

67. The total claims submitted by the former officer were £407.70.

68. Following its analysis of the evidence presented during this hearing, and for the reasons provided in this Regulation 43 notice, the Panel found that the former officer had not been entitled to submit those claims.

69. This allegation was found proven.

Breaches of Professional Standards

Breach - Honesty and Integrity

70. The Panel found that the former officer's proven conduct was intentional and that he had submitted a number of claims for mileage and expenses for which he was not entitled.

71. The Paner were provided with legal advice from the LQP to assist them in their determination of dishonesty in this case.

72. With respect to dishonesty, the LQP informed the Panel that the correct test is as described by the Supreme Court in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] 3 WLR 1212 where Lord Hughes states at [75] as follows:

> "When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be

> reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."

73. Following their application of this caselaw and the advice of the LQP, the Panel found it more likely than not than not that the former officer must have known his repeated claims were false and that, by the standards of ordinary and decent people this behaviour would be considered to be dishonest.

74. The Panel then turned to their determination of any lack of integrity displayed by the former officer.

75. The Panel determined that a lack of integrity may be less specific than dishonesty, that it may be less deliberate than dishonesty and may be less serious than dishonesty. In the case of *Chief Constable of Thames Valley Police v (1) Police Misconduct Panel (2) White* [2017] EWHC 923 (Admin), McGowan J said at [15]:

> "…A lapse of integrity is very serious but can fall short of the quality of a lapse of honesty. Integrity in this context is not used in the sense of freedom from moral corruption rather in the sense of a failing to act in the right way, not behaving as the totally correct police officer would, in some way falling short of the whole. It is explained for police officers as "doing the right thing".

76. The Panel determined that the former officer's proven conduct and dishonesty could readily be described as his not having 'done the right thing' and that he had not behaved as a totally correct officer would so. On that basis, the Panel found that the former officer had not displayed the appropriate level of integrity required of a police officer.

77. On that basis, the Panel found that he had failed to act with honesty and integrity and was in in breach of this Standard of Professional Behaviour.

Breach – Discreditable Conduct

78. Having found the allegations above proven, the panel determined that the former officer's actions would bring discredit upon the police service and undermine public confidence.

79. For these reasons, the Panel found the former officer in breach of this Standard of Professional Behaviour.

Level of breach

80. The panel were then required to review the facts of this case and decide whether the proven conduct of the former officer amounted to misconduct or gross misconduct.

81. The panel reminded itself that gross misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

82. In accordance with the guidance on outcomes in police misconduct proceedings the Panel assessed the seriousness of the proven misconduct by reference to para 4.3 of that guidance.

Culpability

83. The panel found that the former officer's proven actions and breaches of the Standards of Professional Behaviour were intentional and deliberate.

84. The panel determined that his culpability was therefore **HIGH.**

Harm

85. The panel were assisted by Para 4.63-4.74 of the Guidance in their assessment of harm caused by the former officer.

86. Having carefully considered this guidance, the Panel determined that the harm caused by the former officer's proven actions and breaches of the Standards of Professional Behaviour was **HIGH.**

Aggravating Factors

87. The panel have considered the list of aggravating factors provided at paragraph 4.76 of the Guidance.

88. The panel found that the proven misconduct of the former officer engaged a number of these aggravating factors:

(i) There had been premeditation, planning and the taking of deliberate steps to make these false claims.
(ii) There had been regular and repeated behaviour over a period of time
(iii) The former officer had shown malign intent on his part to gain a financial advantage
(iv) The former officer demonstrated that he continued this behaviour after he realised or should have realised it was improper
(v) There had been multiple breaches of the Standards of Professional Behaviour by the former officer.

Mitigating Factors

89. The panel have considered the factors detailed at paragraph 4.79-4.82 of the Guidance for the purposes of identifying any mitigating factors engaged in this case.

90. The panel assessed that there were no mitigating factors relevant to this case.

91. Having carefully considered culpability and harm in accordance with the Guidance, the Panel's starting point for seriousness was deemed to be **HIGH.**

92. Following an application of aggravating factors, the Panel found their starting point of seriousness was unchanged.

93. The Panel found that the absence of any mitigating factors failed to reduce their assessment of seriousness from **HIGH.**

94. Having carefully considered the contents of the Guidance on Outcomes and the Police Code of Ethics, the Panel therefore determined that the proven actions by the former officer were at the **upper end of seriousness.**

95. The Panel found that the breaches of the Standards of Professional Behaviour by the former officer were so serious that it amounted to **Gross Misconduct.**

Decision on Outcome

96. The Panel were provided with the former officer's record of police service which was considered when deciding the outcome.

97. Following submissions made by the Appropriate Authority, the Panel again considered the Guidance to inform its decision on outcome.

98. The panel applied the College of Policing Guidance on Outcomes in misconduct proceedings in reaching its decision on outcome.

99. The Panel reminded itself of the purpose and nature of misconduct proceedings, which is helpfully outlined in *R. (Green) v Police Complaints Authority* [2004] UKHL 6; [2004] 1 W.L.R. 725, per Lord Carswell:

> *"Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers*

is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded …"

100. Counsel for the AA submitted to the Panel that a number of harm factors had been engaged by the gross misconduct of the former officer. These factors had already been identified by the Panel during their initial assessment of seriousness when determining the level of breach.

101. Counsel for the AA submitted to the Panel that a number of aggravating factors were engaged in this case. The Panel noted these had also already been identified during their determination of the level of breach.

102. Counsel for the AA submitted that there were absolutely no mitigating factors engaged in this case other than the low value of the claims submitted by the former officer. The Panel rejected this submission on the basis that the amount of money stolen was irrelevant and dd not reduce the seriousness of the former officer's proven conduct.

103. The Panel found that stealing from one's employer is a breach of trust and that this cannot in anyway be offered as a mitigating factor, especially when considering that the former officer submitted that claim when serving as a Special Constable.

104. The Panel then reminded itself again of the purposes for imposing outcomes in police misconduct proceedings as defined at paragraph 2.3 of the Guidance:

(i) To maintain public confidence in and the reputation of the police service
(ii) To uphold high standards in policing and to deter misconduct
(iii) To protect the public

105. The Panel also reminded itself of paragraph 3.31 of the Guidance dealing with former officers which states that the only available outcomes when a Panel finds that the conduct amounted to gross misconduct are:

- Disciplinary action
- No disciplinary action

106. The Guidance also states that where the finding is gross misconduct and disciplinary action is imposed, the only sanction can be imposed is that the officer would have been dismissed if still serving.

107. The Panel made particular note of paragraph 4.74 of the Guidance which states:

> *'Where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole'.*

108. Having determined that the seriousness of the former officer's proven conduct was high, the Panel determined that disciplinary action should be imposed upon him.

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

110. The Panel determined that had the former officer still been employed as a Special Constable, the imposition of a final written warning would not have been appropriate given the seriousness of the facts and breaches of the SPB found proven in these proceedings.

111. The Panel determined that public confidence in the police service would have been significantly undermined if a Special Constable who had engaged in such conduct would have been retained within the organisation if still serving.

112. The Panel found that the public would have expected nothing less than the dismissal of the former officer without notice for the gross misconduct found proven had he still been serving.

113. The Panel found that any lesser outcome would have only served to discredit the credibility of the police service. The Panel also found that any lesser outcome would not have deterred other officers from acting in similar way.

114. The Panel noted paragraph 3.24 of the Guidance which states that they should have regard to the former officer's record of police service when considering the outcome. The Panel were provided with both his personal record and record of service which were carefully considered in their deliberations.

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

Barred List

116. Following the Panel reaching its decision on outcome, the Chair directed that the former officer's name be added to the College of Policing Barred List.

Chair – ACO Ian Saunders

IPM – Mr Michael Marshall

IPM – Mr Geoffrey Brighton

Dated: 28th August 2026.