

OFFICIAL

**IN THE MATTER OF A POLICE MISCONDUCT HEARING**

**PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020**

**DEVON AND CONWALL POLICE**

**Appropriate Authority**

**v.**

**Former Police Officer X**

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**NOTICE UNDER REGULATION 43**

**OUTCOME OF A MISCONDUCT HEARING**

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**Panel**

ACO (former ACC) Ian Saunders – Devon and Cornwall Police (Chair)

Ms Sharon McGinn (Independent Panel Member)

Mr Ben Hughes (Independent Panel Member)

Mr Adeolu Odusote (Legally Qualified Person)

**Representatives**

Counsel for the Appropriate Authority – Mr Mark Ley-Morgan

**Terminology:**

Appropriate Authority – “A/A”

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

The former officer X – “the officer”

Home Office Guidance (Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 2020 – “the Guidance”

## **Introduction**

1. This is the record of a Police Misconduct Panel hearing held under the Police (Conduct) Regulations 2020 (as amended) into the alleged conduct of Former Officer X.
2. The hearing was conducted in person at the Buckfast Abbey Conference Centre on Thursday 26<sup>th</sup> February 2026.
3. In accordance with Regulation 36 of the Conduct Regulations, the chair directed that these proceedings were to be held in public.

## **Preliminary matters**

4. The officer retired from Devon and Cornwall Police on 25 April 2024 and was therefore dealt with under the former officer provisions of the Police Conduct Regulations 2020.
5. Following the service of the Regulation 30 Notice and supporting papers, the officer confirmed via email correspondence with the A/A that he would not be submitting a Regulation 31 response and that he would not be attending the hearing.
6. Regulation 37(3)(b) provides that a hearing may proceed in an officer's absence.
7. In accordance with this Regulation, the chair directed that this hearing could proceed in the officer's absence.
8. The officer also chose not to instruct a Federation Representative nor a lawyer to attend the hearing on his behalf.

9. The officer had not requested that any of the witnesses relied upon by the A/A should give evidence at the hearing.
10. The Regulation 30 Notice was correctly served upon the officer. To assist the reader of this Regulation 43 notice, the allegation contained within the Regulation 30 notices is provided below.

**Allegation.**

11. The A/A state that on the 10<sup>th</sup> of December 2023, during an argument with his wife, the officer grabbed hold of her wrist, bent it back, and/or applied a police restraint technique to force her to release a credit card that she was holding.
12. The officer's action caused swelling to his wife's wrist for which she received treatment at the St Austell Minor Injuries Unit.
13. As a result of this alleged misconduct the A/A state that the officer breached the Standard of Professional Behaviour namely:
  - (i) Discreditable Conduct.
14. It was the A/A's case that the alleged breach of the Standards of Professional Behaviour amounted to gross misconduct and was so serious that dismissal would be justified.

**Regulation 30 Notice and Regulation 31 Response**

15. On 26<sup>th</sup> February 2026, the allegation within the Regulation 30 notice was read by the A/A into the hearing record.
16. The panel deem this allegation as contested based upon the responses provided by the officer during the case investigation.

**Purpose of misconduct proceedings**

17. In *R (On the application of Redgrave) v Commissioner of Police of the Metropolis* [2003] EWCA Civ 4 at [33], Simon Brown LJ made it clear that the character and purpose of misconduct proceedings was “*to protect the public .... and to maintain the high standards and good reputation*” of the policing profession.
18. In *R (Green) v Police Complaints Authority* [2004] UKHL 6 Lord Carswell stated [para 78]:

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

### **The Panel's Approach**

19. During this hearing, the panel took the following approach:
  - (i) First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the A/A.
  - (ii) Second, to determine whether those facts found proved constituted one or more breach(es) of the relevant standards.
  - (iii) Third, to determine whether any conduct found proven against the officer amounted to misconduct or gross misconduct.
  - (iv) Fourth, and if appropriate, to decide what the outcome should be.
  
20. The panel reminded itself that the burden of proof is on the A/A throughout the hearing and that the standard of proof is the balance of probabilities, namely that it is more likely than not that the alleged conduct occurred.
  
21. The panel also reminded itself of the Home Office Guidance (Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 2020) and, in particular, paragraph 9.10 which reads as follows: "In deciding matters of fact, the persons conducting the misconduct meeting or hearing must apply the standard of proof required in civil cases, that is, the balance of probabilities."

### **Background facts**

22. The comprehensive relevant background facts to this case are detailed within the Regulation 30 notice so will not be set out separately here.

### **Documents and Evidence**

23. The panel were provided with main bundle of papers that had been provided by the A/A in advance of the hearing. The panel confirmed to the hearing that they had read and viewed the material.

### **Factual Determinations**

24. There is a single factual allegation in this hearing that relates to an event on 10th December 2023 when it is alleged that the officer grabbed his wife's wrist, bent it back and/or applied a police restraint technique to force her to release a credit card that she was holding in her hand.
25. Within this allegation it is noted that the alleged behaviour caused swelling to his wife's wrist for which she received treatment at a Minor Injuries Unit.
26. It was alleged that the officer's behaviour brings discredit upon the police service and undermines confidence in it because violence by police officers towards women and girls is a matter of national concern and a reasonable member of the public would be justifiably concerned by his actions towards his wife.
27. It was alleged that his behaviour, if proved, amounted to gross misconduct and it was in the public interest that his name be added to the College of Policing Barred List.
28. The panel noted that the officer was arrested on 12th December 2023 for the alleged incident, he was interviewed under caution and provided a prepared statement denying the assault.
29. In summary, this prepared statement describes how the officer had been married to Mrs X for 8 years and that they have 2 children together. He stated that their marriage has broken down and it came to a head on Sunday 10th December when she found a photograph of him with another female on his mobile phone. He accepted that they had a verbal argument and that his wife took his credit card out

of his phone wallet and that he asked for it back. He stated that she refused to give it to him, and he accepted that he pulled the card out of her hand but at no time did he touch her or assault her. He stated that he had no knowledge of how she was injured.

30. The panel noted that on 13th December 2023, Mrs X was spoken to by PC 16425 Parker who noted that she was upset and frustrated that the officer had been arrested.
31. Mrs X provided a witness statement in which she stated that she did not perceive herself to be a victim and felt let down by the health service for wrongly reporting the circumstances of the incident and the police for making what she felt was an unnecessary arrest.
32. In her statement, Mrs X stated that she and her husband had been having issues centred around the fact that he was having a relationship with somebody else which she believed he had restarted. She stated that the officer had used a credit card funded from their joint account to pay for accommodation he had booked for himself and his partner.
33. Mrs X stated that she took the credit card from his phone case as she did not want him to use the card and their joint funds in the continuation of his relationship with this other female. She stated that he asked for the card back, which she refused to do and that he then grabbed her left hand, trying to get the card. She stated that she was gripping the card tightly to prevent him from taking it from her and that he then pushed her hand down onto a table which made her let go of the card out of reflex.
34. Mrs X stated that the back of her hand was swelling following this incident and the only time she had banged her hand was when it hit the table but at that time it hadn't hurt.

35. Mrs X stated that she went to St Austell Minor Injuries Unit for treatment on her hand as it was swollen and painful. She stated that she explained the incident to medical staff and had an x-ray at Bodmin Hospital. She stated that there were no obvious breaks to her hand but that it was bruised, which required pain killers and her to wear a splint for several days.
36. In her statement, Mrs X stated that she did not perceive that she had been assaulted by her husband. She stated that the officer had recovered his credit card which she was holding. She stated that he had never hurt her or been physical towards her and that this incident was not an assault but just a result of a disagreement.
37. The panel have considered the evidence of Ms Anna Cirant-Carr who was employed as a nurse and was on duty at the St Austell MIU on 10 December 2023 when she treated Mrs X.
38. Ms Cirant-Carr has provided a witness statement dated 2<sup>nd</sup> March 2024 in which she states that Mrs X presented to her as a patient who was emotional, pale and quiet. She stated that it took some time for Mrs X to talk about what had happened, but that she then explained that she had been assaulted by her husband.
39. Mrs X disclosed to her that the officer had assaulted her by bending her wrist behind her back to recover a credit card that she had been holding. Mrs X told her that that her husband was a Police Officer and knew how to do this.
40. This witness stated that she believed that Mrs X was very reluctant to give too much detail about this incident as she was worried about getting her husband into trouble.
41. The panel found the evidence provided by Ms Cirant-Carr to be comprehensive and compelling in their factual determinations in this case.

42. The panel have considered the witness statement provided by Ms Rebecca Rodgers dated the 7<sup>th</sup> April 2024.
43. In this statement, Ms Rodgers states that she is a friend of Mrs X. She states that at approximately 0800hrs on 10<sup>th</sup> December 2023, she received a message from Mrs X saying that there had been an incident with her husband over a credit card and he had hurt her wrist.
44. Ms. Rodgers stated that she could tell Mrs X was upset because she didn't seem to know what she was doing and she didn't know what to do which was out of character for her.
45. Ms Rodgers stated that Mrs X 'sounded broken' in that she was upset and was worrying. She stated that when she picked her up from the bus stop, Mrs X looked very pale, she was rubbing her wrist and was in a lot of pain.
46. During their discussion, Mrs X disclosed to Ms Rodgers that her husband had been having an affair with another woman and that either she or one of their boys had found a screenshot of the other woman on his phone. Ms Rodgers described how Mrs X stated that an argument had ensued and that when she was holding a credit card, he had tried to grab it off her. She stated that Mrs X described to her how her husband had slammed her wrist into 'the side either in the kitchen or the dining room'.
47. Ms Rodgers states that when they drove to the hospital, Mrs X disclosed to her that during the argument, her husband had got violent and pushed her whilst he was trying to get the credit card. She stated that he had used a technique he had learnt at work to make her drop it. She said he had grabbed her hand and twisted it and then he rammed it against 'the side' and that is when she let go.

48. Ms Rodgers stated that Mrs X did not want to go to the hospital because she was nervous about it being reported to the police and his possible reaction to this disclosure being made. Ms Rodgers stated that Mrs X was petrified of her husband.
49. The panel found the evidence provided by Ms Rodgers to be comprehensive and compelling in their factual determinations in this case.
50. The panel have considered the statement provided by Mrs X on 11<sup>th</sup> March 2024. In this statement she describes herself as feeling scared, intimidated and as a victim following the alleged incident. She also describes how she then felt afraid of the officer and the damaging impact of this incident upon one of her children.
51. The panel have been provided with a number of WhatsApp messages sent to Mrs X by the officer on 24<sup>th</sup> and 25<sup>th</sup> January 2024. In these messages, the officer states that he may lose his job if Mrs X allowed her children to be interviewed by Professional Standards Investigators. These messages were provided to the panel as Exhibit EA/1.
52. On 28<sup>th</sup> November 2024, the officer wrote to his Police Federation representative and stated again that he did not assault his wife during the incident. He stated that his wife had taken his credit card without his agreement and that he had taken reasonable steps to recover the card from her. He stated that a 'pulling match' had taken place and that his wife had hit her hand on a table when he recovered the card from her. He stated that his wife may have sustained a sprain during this incident but that he did not assault her.
53. The officer then stated that his behaviour had not been at an appropriate standard and that he apologised for how his actions reflected upon both his organisation and himself. He stated that he was embarrassed about how he had behaved and the hurt and trauma caused to his family. He further apologised for the burden placed upon his organisation and how he had let his colleagues down. He stated that he now wished to rebuild his relationship with his wife and children.

## **Findings**

54. The Panel has considered all the available evidence, including the officers accounts, Mrs X's statements, the evidence of Ms Cirant-Carr and Ms Rodgers, and the medical and documentary evidence provided in the panel bundle.
55. The officer accepted there was a heated argument and a physical struggle over the credit card but denied assaulting his wife and claimed any injury she sustained was accidental.
56. The Panel noted that Mrs X's accounts have varied over time. However, her contemporaneous disclosures to medical staff and to Ms Rodgers, together with her later statement describing fear and intimidation, are materially consistent in describing her wrist being forcibly twisted or bent to make her release the card.
57. The Panel placed significant weight on the independent evidence of Ms Cirant-Carr, who recorded that Mrs X stated she had been assaulted and that the officer bent her wrist using a police technique. The Panel also placed significant weight on Ms Rodgers' evidence, which they deemed as corroborative of the account of force being used and the immediate impact of the incident upon Mrs X.
58. The Panel considered the medical evidence provided in the bundle to be consistent with the application of force described by Mrs X.
59. The Panel found the officer's initial account to be self-serving and inconsistent, noting that he accepted a physical struggle as taking place yet denied any physical contact or assault, and later described a "pulling match" and inappropriate behaviour.

60. On the balance of probabilities, the Panel found that the officer grabbed Mrs X's wrist, that he bent it back to force her to release the credit card, causing injury to her wrist.
61. The Panel therefore found the allegation **proven**.

### **BREACHES OF THE PROFESSIONAL STANDARDS**

62. The panel considered whether the officer officers' proven conduct amounted to a breach of the Standard of Professional Behaviour, namely discreditable conduct.
63. The panel found that the officer had forcibly grabbed his wife's wrist, bending it backwards to make her release a credit card causing an injury that required medical treatment.
64. The panel found that the use of force against a partner in a domestic context by a serving police officer was conduct that a reasonable member of the public would regard as wholly unacceptable. Such behaviour is likely to seriously undermine public confidence in the police service.
65. Accordingly, the panel is satisfied that the officers' behaviour constitutes discreditable conduct and therefore amounted to a breach of Professional Standards of Behaviour.

### **Level of Breach**

66. Having carefully considered the contents of the Guidance on outcomes and the Police Code of Ethics, the panel found that the proven actions by the officer to be at the upper end of seriousness.

67. The panel found that the proven breach of the Standards of Professional Behaviour by the officer was so serious that it could justify dismissal as a potential outcome.
68. The panel therefore found that the proven breach of the Standards of Professional Behaviour by the officer amounted to **Gross Misconduct**.

### **Panel Determination of Outcome and Reasons**

69. The Panel adjourned to decide outcome, and in doing so it followed the 3-stage approach laid down in the Guidance on outcomes as follows:

Stage 1: Assess Seriousness.

Stage 2: Remind itself of the purpose of the Police Misconduct regime.

Stage 3: Determine the sanction most appropriate to the purpose.

### **Seriousness**

70. The panel accepted that any case of gross misconduct which comes before a police misconduct hearing is to be considered a serious matter. But, the panel was reminded that its function is to decide *how* serious the gross misconduct was in this case.

71. The panel assessed the level of seriousness by following the four-phase approach as laid down in the College of Policing Guidance on Outcomes.

Phase 1: Assess Culpability.

Phase 2: Assess Harm.

Phase 3: Consider Aggravating Factors.

Phase 4: Consider Mitigating Factors.

72. The panel re-assessed the criteria for seriousness at this outcome stage, having made a finding of gross misconduct at the finding of fact stage. In considering seriousness again and applying the Fuglers test, the panel considered their preliminary assessment of seriousness in relation to culpability, harm and aggravating factors remained valid and relevant.
73. The panel was mindful, cautious and careful not to engage in double counting when assessing the seriousness of the misconduct found proven.

### **Culpability**

74. Culpability was determined by considering the non-exhaustive list of culpability sub-factors in the Guidance and any others it deemed to be relevant.
75. In accordance with the Guidance, the panel assessed the seriousness of the proven misconduct by reference to para 4.3 of that Guidance.
76. Para 4.9 of the Guidance states that culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.
77. The panel found that the actions of the officer were intentional and deliberate. Whilst they may not have been pre-planned, the officer found that officer had made a conscious decision to use force to recover his credit card from his wife.
78. Whilst there was no evidence that the officer intended to cause his wife any physical harm, the panel found that he was reckless in this regard and that he should or could have foreseen the risk of her sustaining some form of harm. As

such, Para. 4.11 of the Guidance was engaged in their assessment of the officer officer's culpability.

### **Violence Against Women and Girls**

79. The panel were assisted by Para's 4.60-4.62 of the Guidance which they noted state that violence against women and girls perpetrated by a police officer, whether on or off duty, will always have a high degree of culpability, with the likely outcome being severe.
80. The panel found this element of seriousness was engaged in this case for the purposes of our assessment of an outcome.

### **Harm**

81. The panel were assisted by Para 4.63- 4.74 of the Guidance in their assessment of harm caused by the officer.
82. Further to Para 4.64, the panel found that Mrs X suffered from both physical harm and psychological distress as a direct result of the proven misconduct in this case.
83. In accordance with Para 4.66, the panel assessed that the proven misconduct of the officer would harm public confidence in policing if the circumstances of this case were known to the public. In making this assessment, the panel also considered the scale and depth of local and national concern around the issue of domestic violence and the actions of police officers.
84. The panel were assisted by Para 4.74 of the Guidance which states 'that violence against women or girls perpetrated by a police officer, whether on-duty or off-duty, will always harm public confidence in policing since this is inimical to the values of modern policing and the Standards of Professional Behaviour'.

85. The panel found that the harm caused by the officer to Mrs X and the reputation of the policing service was at the higher level of seriousness.

**Aggravating Factors**

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

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

- (i) The application of serious physical violence and psychological impact upon Mrs X
- (ii) The scale or depth of local or national concerns about a particular issue, in this case, domestic violence.
- (iii) The panel noted the aggravating factor provided in the Guidance describing the application of violence against a woman (whether on or off duty). Whilst the panel recognise the importance and local/national interest in this factor, they were however mindful of ‘double counting’ and referred themselves to their finding at paragraph 79 above in their consideration of this aggravating factor. As such and notwithstanding their recognition of the importance of this factor, for the avoidance of ‘double counting’ the panel did not rely upon this factor at this stage of their assessment.

**Mitigating Factors**

88. The panel have considered the factors detailed at paragraph 4.79-4.82 of the Guidance for the purposes of mitigating factors.

89. The panel assessed that the following mitigating factors are relevant to this case:

- (i) The proven misconduct was confined to a single episode and was of brief duration.
- (ii) The officer has provided a statement in which he demonstrates evidence of remorse, his understanding of the impact of his actions upon his wife, his organisation and his colleagues.

90. The panel noted Para 4.82 of the Guidance which deals with cases where the misconduct occurred several years prior to a hearing. Given the proven conduct occurred on 10<sup>th</sup> December 2023 and this hearing has taken place on 26<sup>th</sup> February 2026, the panel assessed that this element of the Guidance was engaged.
91. The panel have therefore considered the outcome by reference to the standards at the time of the incident. The panel do not however assess that the standards at the time of this incident are any different to current standards and attitudes.

### **Personal Mitigation**

92. The panel noted Para's 6.1-6.9 of the Guidance when considering personal mitigation in this case.
93. The panel noted that personal mitigation is not relevant to the seriousness of the misconduct and that any such mitigation should only be considered after forming an assessment of the seriousness of the misconduct.
94. The panel noted that the officer had not engaged in these proceedings and has not been represented during the hearing. As such, he has not formally submitted any material or information for the purposes of personal mitigation.

**Determination of Outcome**

95. The panel noted that as the officer is no longer a serving police officer, the available outcomes in this matter differ from those available had he continued to serve as a police officer.
96. In making this decision on outcome, the panel have considered Regulation 62 of the Police (Conduct) Regulations 2020 and Paragraph 3.30-3.33 of the Guidance.
97. The panel reminded itself that where it finds that the conduct of the officer amounted to gross misconduct, there are only two potential outcomes:
- (i) No disciplinary action; or
  - (ii) Disciplinary action.
98. Where the panel decide that disciplinary action should be imposed, it reminds itself that the only available outcome in this hearing was that the officer would have been dismissed if they had still been a serving police officer.
99. In reaching its decision regarding disciplinary outcome, the panel gave due consideration to all the evidence and information put before it and also considered the following:
- (i) The officer's record of service from PSD.
  - (ii) Submissions made on behalf of the A/A.
100. Having completed their assessment of the evidence presented in this hearing, the panel determined that the officer would have been **dismissed from the police service without notice if he had still been a serving officer.**

**Barred list information**

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

**Right of Appeal**

102. The officer will be notified that he has a right of appeal to the Police Appeals Tribunal. The A/A will provide a notice to the officers as to the procedure to be followed in that regard.

**ACO Ian Saunders**

**Chair of Misconduct Hearing**

**Date: 04/03/26**