

IN THE MATTER OF POLICE (CONDUCT) REGULATIONS 2020

BETWEEN

THE CHIEF CONSTABLE OF DEVON AND CORNWALL POLICE

Appropriate Authority ("AA")

And

SP SGT 75733 JASON PAYNE 18646

Police Misconduct Hearing before a Panel.

Hearing date: 10 February 2026

Venue: Venton Conference Centre, Newquay, Cornwall, Exeter TR8 5AH

Chair of the Panel ACC Nikki Leaper, ("Chair").

Independent Panel member, Claire Martin, ("IPM")

Independent Panel member, Geoff Brighton, ("IPM")

Legally Qualified Person, James Cross, solicitor, ("LQP")

Counsel for the AA, Chloe Hill, ("Counsel")

The officer concerned, SP Sgt 75733 Jason Payne, ("the Officer")

Acting as the Officers Welfare Officer, SS 74627 Amanda Harris, ("Welfare Officer")

The Investigating Officer, DC 15391 Louize Morton, ("IO").

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

References:

When referenced, The Police (Conduct) Regulations 2020 will be "the Regulations". The Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office will be the "HOG". The College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 will be referenced as "the Guidance". The College of Policing Code for Ethical and Professional Behaviour in Policing January 2024 will be referenced as "the 2024 Code of Ethics".

When referencing a page or pages from the hearing bundle, ("HB") the reference will be in [] an example being [HB 14] or [HB 56-61].

Summary

1. The Officer had been a Special Constable since 2011 joining Devon and Cornwall Police in March 2020 and had been based in Cornwall at Newquay Police Station.
2. On Saturday 28 September 2024, whilst the Officer was off duty, he posted a picture of himself with another male, (not a police officer), sitting in a public house in Birmingham, on his Facebook, with the Officer wearing a T shirt.
3. The Officers T shirt could be clearly seen in the photo, with the words written in large colour capitals "ANAL CUNT" above the wings of an equally large eagle, that could be easily associated with Nazi symbolism.
4. Under the Eagle motif was written in large, stylised print, (similar to the print style illustrated here), **DEFENDERS OF THE HATE**.
5. The Officer's hands were raised as the Officer stared into the camera with his two middle fingers pointing upwards in an offensive gesture.
6. Also on Saturday 28 September 2024, SC Supt Grice, was scrolling through his personal Facebook when he noticed the T shirt and hand gestures. He considered the T-shirt to be "highly offensive" [HB 26] and "not befitting of the standards expected of a police officer" [HB 26].
7. As the Officer was under Special Superintendent Grice's line of command, he took a screen shot and sent it to the Officer's immediate supervisor, Special Inspector Hoskin.
8. Special Inspector (Sp Insp) Hoskin sent a WhatsApp message to the Officer advising him that he should remove the photograph. The Officer responded in part suggesting that Sp Insp Hoskin should delete the Officer from Facebook, in essence unfriend him. The photograph was not cropped, edited nor removed.
9. Sp Insp Hoskin reported the matter to Police Standards.
10. Sp Insp Hoskin noted that the Officer had pictures on his Facebook from 2022 which identified him as a police officer.
11. Subsequent Google searches confirmed that Defenders of the Hate was a music album by the band Anal Cunt. Song titles included, "I became a counsellor so I could tell rape victims they asked for it", "I like drugs and child abuse", "I convinced you to beat your wife on a daily basis", "Domestic violence is really really really funny", [HB 28-29] and lyrics including "If I was a cop, called to your house I'd offer to shoot your no good spouse, If I had to deal with your teenage slut I'd gladly kick her in the gut" [HB 32]
12. The Officer was served with a Regulation 17 Notice on the 4 February 2025 alleging conduct which was assessed as Gross Misconduct.

13. The Officer was interviewed on the 15 April 2025 under the Regulations following the appropriate caution. The Officer's Welfare Officer was in attendance, and the interview was conducted by the Investigating Officer (IO).
14. The Officer explained that he had been off duty attending a concert in Birmingham of another "death metal band" [HB 46]. The picture was taken before the concert.
15. The Officer told the IO that he had "only like 500" [HB 58] friends on Facebook. That he didn't take the picture down because it was on his personal Facebook page, [HB 49]. He knew, "it's an offensive T shirt, that's why" [HB 49] he wore it.
16. The Officer confirmed that he knew "it's against professional standards, but [his] belief was that it was on [his] private page" [HB 49].
17. The Officer said that he would only wear the T shirt to "gigs that are extreme and underground.... where people are like minded, listen to the same crap." as he does, [HB 50].
18. The Officer confirmed that his friends on Facebook knew he was a police officer, [HB 52] and that he had read the force social media policy, [HB 53].
19. The Officer acknowledged that he was advised to take the photograph down, saying, "They gave me the heads up, take it down, that was the heads up", [HB 56].
20. The Officer told the IO that he did not take the picture down as he was drunk and "obstinate" [HB 56] which he went onto say made him a "good cop" [HB 56]. He also said, "Its mixed emotions because I am remorseful but I'm not at the same time. It's a strange way to feel." "I'm sorry that it's come to this but I'm not sorry that I've offended anyone" "Because it was their choice to be a friend in my personal opinion" .."Because it was private and because they know me." "It's weird. I'm all for freedom of expression, you know and I know there are limits and boundaries, but I don't practice anything that this band is about, clearly not" [HB 57].
21. The Officer concluded his interview by apologising but considered the matter "a massive waste of police time" [HB 60].
22. A Regulation 30 Notice was served on the Officer in January 2026, [HB 4-7]. The Officer responded by email dated 27 January 2026, headed "Regulation 31 Response". The Officer confirmed that "All the documents are correct and factual. [He had] no witnesses to call and no further evidence to present in [his] defence. Therefore [he was] acknowledging that [he was] happy to proceed with [his] hearing on the 9th of February 2026". [HB 61].

Regulation 30 Notice.

23. The allegations and breaches in the Regulation 30 Notice [HB 5-6] are reproduced below in italics.

ALLEGATIONS OF FACT

1. You joined Devon and Cornwall Police as a Special Constable on 30 March 2020.
2. You were promoted to Special Sergeant on 26th August 2021.
3. On 28 September 2024 you posted a photograph of yourself on Facebook.
4. In this photograph, you are wearing a t-shirt with the words "Anal Cunt" and "Defenders of Hate" written on it.
5. You are making hand gesture with both hands, sticking your middle fingers up.
6. The t-shirt promotes a band known for having songs that are racist, antisemitic, homophobic, and misogynistic.
7. The t-shirt displays an eagle image associated with Nazi symbolism.
8. Special Inspector John Hoskin sent you the following messages by WhatsApp: "Hi mate sorry to seem like a prude. Someone has mentioned a post on FB today which may cause issues due to the wording on the T-shirt. You may want to remove the photo before it evolves into an issue. Sorry bud"
9. You replied saying: "I spoke to a West Mids. SGT about it, they were policing the football. They didn't give a hoot." "Delete me on Facebook, I'm on holiday."
10. You failed to remove the photograph from Facebook.

ALLEGATIONS OF MISCONDUCT

- A. Your said conduct at paragraphs [3] – [7] is in breach of the Standards of Professional Behaviour of **Discreditable Conduct** in that you wore a t-shirt and posted a photograph of yourself in the t-shirt on Facebook, when you knew the words and symbols on the t-shirt were offensive, as were your hand gestures. This could bring discredit on the police service.
- B. Your said conduct at paragraphs [3] - [7] is in breach of the Standards of Professional Behaviour of **Equality and Diversity** in that:
- i. You knew that the band's songs are regarded as racist, antisemitic, homophobic, and misogynistic. You knew that they were grossly offensive.
 - ii. Your conduct could reasonably be perceived by other police officers or by members of the public as offensive or discriminatory;
 - iii. Your conduct could reasonably have had the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for other officers.
- C. Your said conduct at paragraphs [9] – [10] is in breach of the Standards of Professional Behaviour of **Orders and Instructions**, in that you ignored an instruction by your Inspector when you failed to remove the photograph.
- Your said conduct individually and/or cumulatively amounts to gross misconduct.

Pre Hearing

24. On the 5 February 2026 a misconduct prehearing by Microsoft Teams took place. The Officer represented himself at the hearing.
25. In response to Counsel's question as to his lack of formal Regulation 31 Response, the Officer confirmed that his position was as per his email 27 January 2026 [HB 61], that he accepted the facts and accepted the breaches. He added that his conduct amounted to gross misconduct and that he was happy to proceed to the hearing.
26. The Chair directed that the hearing would commence at 9 AM on 10 February 2026 at the appointed venue and continue until close on Wednesday 11 if necessary. That hearing would be held in public. The public and press would be invited to attend.
27. The Chair further directed that it was not necessary, in the interests of justice, for witnesses to attend to give live evidence.

The Hearing

28. The Officer attended the hearing on the 10 February, with the Welfare Officer and represented himself.
29. Counsel read the allegations and breaches into the record after which as the Officer was unrepresented by solicitor, counsel or the Federation, at the Chair's direction, the LQP explained to the Officer that under Regulation 41 (5) the Chair must give the Officer the opportunity to say whether the Officer accepted that his conduct amounted to misconduct or gross misconduct.
30. The LQP explained to the Officer in open hearing, the definitions of both misconduct and gross misconduct as they appeared in the Regulations.
31. The Officer made it clear to the Panel that he accepted the facts as detailed in the hearing bundle. He admitted the breaches of professional standards set out in the Regulation 30 Notice [HB 4-7] and that his conduct was gross misconduct.
32. The Officer did not wish to give evidence.

Panel Findings

33. After consideration of Regulation 41 and the bundle, including the Officers interview, the Panel confirmed that the Officers admissions were accepted as the findings of the Panel.
34. The Chair confirmed that the Panel would move to outcome and invited submissions from the AA, the Officer and lastly advice on outcome from the LQP.

35. The Officer did volunteer to the Panel that the lyrics of Anal Cunt at performances could not be deciphered easily however, it was pointed out to him that the lyrics had been obtained from a Google search.

36. In response to an IPM's question the Officer confirmed that he did not regret his actions.

Outcome

37. The Panel considered the outcome adopting the College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 ("the Guidance") and followed the HOG in coming to their decision on outcome.

38. The Panel considered paragraph 2.3 of the Guidance to re-establish itself for the purpose of the police misconduct regime.

39. The Panel considered paragraph 2.4 of the Guidance, (Bolton v Law Society 1994) and the relevant case law quoted in the Guidance. The LQP had drawn the Panels attention of Para 2.7 of the Guidance.

40. Having heard from counsel for the AA who drew the Panel's attention to what the AA considered to be the relevant matters for the Panel to consider under the Guidance the Panel went onto apply the relevant guidelines.

41. The Panel assessed the three stages as they were required to do to determine the appropriate sanction, (Fuglars LLP v Law Society 2014 and para 4.2 of the Guidance).

42. The Panel considered Paragraph 4.3 of the Guidance to assess the seriousness of the proven misconduct by reference to.

The Officers Culpability

43. The Panel considered the Officer's responsibility for his actions.

44. The Officer had intentionally worn the T shirt, which for all intents and purposes was an endorsement of the band that the T shirt promoted with its vile lyrics and song titles. It was also emblazoned with a spread-eagle motif, with Nazi connotations.

45. The Officer had said in his interview, "I know it's an offensive T shirt, that's why I wore it, [HB 49].

46. The Officer also knew that the band was deliberately offensive, [HB 52].

47. Despite being fully aware of the offensiveness the Officer chose to upload the photograph of him wearing the said T shirt and gesticulating to his Facebook page on which he had said he had some 500 friends, [HB 58], the same Facebook account that he had previously uploaded a picture of himself in police uniform in 2022.

48. The Panel noted the Officer's interview in which he put forward an argument he had adopted "...it was private and they *{his friends}*, know him" [HB 57]. The Panel took note

of paragraph 4.11 of the Guidance. The Officer could have foreseen the risk of harm even where harm was unintentional. It was obvious to the Panel that there would be an association, however it was perceived, between the band, its offensive lyrics, the eagle motif and its associations and the Officer, and thus the police, by those that saw the photograph and by those that came to know of it.

49. The Panel also noted paragraph 4.12 of the Guidance. The Officer was in a leadership position and therefore a role model to his colleagues.

50. The Officer chose not to remove the photograph even when the Officer thought "They gave me the heads up, Take it down" [HB 56].

51. The Panel assessed the Officer's culpability as extremely high.

The Harm caused by the Misconduct

52. The Panel considered the effect on the police service and public confidence.

53. It was difficult for the Panel to imagine that public confidence particularly for women and girls would not be severely affected in an extremely negative and damaging way by the Officer's conduct by effectively promoting the Band. There is a great deal of national concern as to violence against women and girls. The Officer had in 2024 brazenly worn a T shirt which flies in the face of these concerns.

54. The Panel considered paragraph 4.66 of the Guidance. The Panel did not have any information before it as to the wider effect that the Officer's behaviour had had on the public. However, the panel considered the conduct of the Officer, if the public were to know, which would, in the Panel's view, be extremely negative and concerning for all females.

55. The Panel considered paragraph 4.74 of the Guidance, "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 greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole."

56. The Panel assessed the harm both reputationally and in public confidence to be extremely high.

The existence of aggravating factors

57. The Panel considered the Guidance at paragraph 4.75 and 4.78 and wished to avoid double counting. Much of what aggravated the misconduct is listed in the Panel's findings as listed above.

58. Added to the points made above, however, as an aggravating factor, are the associations the photograph and therefore the T shirt has with discrimination, antisemitism, homophobia, racism and misogyny.

59. The Officer appeared to have little, if any, insight. This was emphasised at the hearing when the Officer confirmed, in a response to a question from an IPM, that he does not regret his actions and he would not do anything differently.
60. The Officer did say in his interview that he was sorry but added, "...it's a massive waste of police time" [HB 60].
61. Aggravating factors are assessed as extremely high.

The existence of mitigating factors

62. Although the Panel accepted the Officer's admission of the breaches of the standards of professional behaviour in relation to **Orders and Instructions** the Panel noted that in their view the instruction was not as strong as it could have been. However, the Panel accepted that The Officer considered the request to be an instruction; his answer in interview, "They gave me the heads up, take it down" [HB 56].
63. The Panel accept that the photograph was a one-off single episode.
64. The Panel did take account of the Officers early admissions in interview, prehearing and at the misconduct hearing and gave him credit for those admissions. That said it was difficult to see how the facts of the case could have been disputed. Nevertheless, the breaches and gross misconduct had been admitted.

The 2024 Code of Ethics

65. The Panel noted the 2024 Code of Ethics where it was applicable to this matter and referred to by the AA in counsels opening note and in her submissions. All of which as it appeared the Officer ignored.
66. The relevant sections of The Code of Ethics 2024 which the Panel were taken to and considered are reproduced below in italics.

With respect to Discreditable Conduct,

"Our high expectations demand that we:

- think about how our actions might be interpreted or perceived by others when taking decisions*
- operate within our legal authority, in accordance with accepted good practice, and consistently with the ethical policing principles and this guidance*
- do nothing, whether related to work or not, that damages the relationship of trust and confidence with the public*
- ensure that our behaviour and language are not discriminatory, abusive, oppressive, harassing, bullying or victimising to the general public, our partners in providing services to the public or*

our policing colleagues – this includes when communicating digitally (including email, SMS and other digital platforms) and when using social media, both inside and outside of work”

Equality and Diversity,

Under “*fairness and respect*”:

“As policing professionals, we are expected to understand our role in acknowledging and responding to our diverse society, and to treat all people and their property with fairness, dignity and respect, in accordance with their needs.

We:

- *embrace diversity with acceptance and understanding, and actively challenge any discriminatory behaviour*
- *treat people fairly and without prejudice, regardless of their background or circumstances*
- *act to protect vulnerable people and groups from behaviour that is abusive, harassing, bullying, intimidating, exploitative or victimising*
- *avoid any behaviour that could cause unreasonable distress or harm, including any behaviour that might interfere with our colleagues’ ability to carry out their duties*
- *use appropriate language and behaviour in our dealings with the public and our colleagues*
- *consider our personal views, values or beliefs, so that they do not affect our professional relationships or the service we provide*
- *play an active role in recognising and eliminating unlawful discrimination, and in promoting equality of opportunity and good relations between all people”*

With reference to Orders and Instructions under “*social media and instant messaging*”:

“Recognising the potential risks of using social media, we will ensure that:

- *we think about how others may perceive our social media activities, whether at work or at home*
- *we do not post any discriminatory, abusive, oppressive, harassing, bullying, victimising or offensive material, or post material that is otherwise incompatible with the ethical policing principles, whether on-duty or off-duty*
- *we do not post any material that could undermine the reputation of policing or might run the risk of damaging public trust and confidence in our profession*
- *we recognise that information posted online or in private chats can be shared publicly*

We recognise that using social media, even when it is out of work and in our private lives, may still breach regulations or the terms of our employment if it discredits the police service as a whole or undermines public confidence in it.”

The Officer's service record, documentary evidence and submissions.

67. The panel reviewed the Officer's service record and training. The Panel noted that no mitigation was put forward by the Officer.
68. It is acknowledged the Officer had served for 11 years for two police forces, the Devon and Cornwall Police being the second and current police force. There was nothing adverse on the Officer's record with Devon and Cornwall.
69. Having followed the steps above, the Panel went on to choose the disciplinary action which most appropriately fulfils the purpose of imposing disciplinary action considering the seriousness of the conduct in question (bearing in mind the need to act proportionately).
70. The Officer had admitted the facts. The Panel felt that although the Officer, to his credit, had accepted that he had breached the professional standards of behaviour and that he had an untarnished record to date, his conduct in this case amounted to gross misconduct which the Officer had admitted in any event. The Officer's gross misconduct was extremely serious.
71. The Panel did not believe that there were circumstances in this case, given the Panel's assessment of the matter, that would have justified a written warning or reduction in rank.
72. The consequence of the Panel's analysis was that the Panel were of the view that dismissal without notice was the only proportionate and necessary outcome.
73. The public in the Panel's view, would not tolerate a police force that accommodated an officer who has behaved as this officer had.
74. The public in the Panel's view would have expected nothing less than dismissal without notice for the gross misconduct admitted. Any lesser outcome would only serve to discredit the police service and not deter other officers from acting in similar way and would undermine the public trust and confidence in the Police.
75. The Chair confirmed that the details of the matter could be published on the force website in the usual way and that the Officers name could appear on the barred list.

ACC Nikki Leaper

IPM Claire Martin

IPM Geoff Brighton

Dated 2026

