

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

BETWEEN:

CHIEF CONSTABLE OF SUSSEX POLICE

and

Officer A

NOTIFICATION OF OUTCOME OF MISCONDUCT HEARING

Officer A, on 17-19 June 2026, you were asked to appear at a misconduct hearing, which was conducted by:

Chair: ACC Peter Gardner

Independent Panel Member: Nikki White

Independent Panel Member: James Maund

LQA: Harry Ireland

Alleged facts

(1) Your behaviour towards female colleagues

1. In 2024, you displayed inappropriate behaviour about women, namely:

a. On 6 July 2024, you and Officer E returned from a community event where you had been required to assemble a gazebo. In an open office – where other people were present – you said, “Officer F helped me with the erection and I helped Officer F with her flaps.”

b. On 8 August 2024, you were in a vehicle with Officer E whilst it was raining. As you drove past two female colleagues you said through an open car window to them, “it’s a bit moist isn’t it.”

c. On various dates, you called Officer I ‘darling’ and – on occasion – followed that up with, “Oh, I can’t say that, I’ll get myself into trouble”.

d. You would greet Officer F by saying, “how are you doing my lovely?”.

e. Your conduct towards Officer B specifically:

i. In June 2024, you withdrew Officer B’s driving permit for no policing purpose, specifically in response to her informing you that she had spoken to Officer C about the appropriateness of your relationship with Officer C.

ii. Following the withdrawal of Officer B's driving permit, you did not allow her to be double-crewed, told her she was not to be driven from/to her beat/area by colleagues and that she must walk or use public transport.

(2) Your deployment on 26 August 2024 and pay

2. On or about 31 January 2024 – whilst deployed as a custody sergeant – you were allocated to work 26 August 2024 (the summer bank holiday) as a custody sergeant.

3. Working a bank holiday as a police officer means you are paid an enhanced rate. You knew or ought to have known that deployment of Sussex Police officers on public holidays is reduced to only the necessary staff and officers because of this.

4. Before 26 August 2024, you were re-deployed to a role outside custody.

5. You knew or ought to have known that officers and staff deployed to your new role are not deployed on public holidays.

6. You knew or ought to have known that you were not required to report for duty on 26 August 2024 having been re-deployed away from custody.

7. You failed to enquire with your colleagues, supervisors or management if you were required to report for duty in your new role or at Custody.

8 Despite this, you attended work on 26 August 2024, booking on at 07.00 and booking off at 16.00. You did not attempt to deploy to custody as the custody sergeant.

9. You were asked why you were working on 26 August 2024 by your Inspector and replied with words to the effect of, "I was due to be working in custody" and, "It's down on my duties from custody so I carried on working it".

10. When Officer C sent you a Whatsapp message saying, "Have you not been called into custody" you replied, "Nope. :)".

(3) Your taskings on 26 August 2024

11. On 26 August 2024, you booked on for duty at 07.00 and despite telling your Inspector you were, "doing reviews and stuff" you:

a. Did not use your computer between 07.49 – 08.04, when you also used your warrant card to access the back door of the police station.

b. Did not use your computer between 08.51 – 09.03, when you also used your warrant card to access the back door of the police station.

c. Did not use your computer between 10.32 – 10.39, when you also used your warrant card to access the back door of the police station.

d. Did not use your computer between 11.08 – 12.25, when you also used an unmarked fleet car to patrol. During your patrol, you:

i. Were not in uniform.

ii. Did not turn your radio on.

iii. Did not book into a callsign.

iv. Travelled to buy cigarettes.

e. After your return from the abovementioned patrol, Officer C asked how your morning had been on Whatsapp, you replied, "Boring as fuck lol. Been out driving. Now waiting to see if you still want me to pop over."

f. Did not use your computer between 13.22 – 13.37, when you also used your warrant card to access the back door of the police station.

g. Logged off your computer at 13.37, and left the Police Station.

h. Were at Officer C's home address between 14.31 – 17.35 for no policing purpose.

i. Had a conversation with Officer C via Whatsapp which included you sending at least 29 messages for no policing purpose.

Breaches of the Standards of Professional Behaviour

Your actions as set out above were a breach of the Standards of Professional Behaviour; specifically, the standards

of:

A) Authority, Respect and Courtesy in that, by your actions as set out in paragraph 1 above, you engaged in inappropriate behaviour when on duty.

B) Equality and Diversity in that, by your actions as set out in paragraph 1 above, you failed to treat colleagues of a different gender unfairly.

C) Orders and Instructions in that, by your actions as set out in paragraphs 2-11, you did not attend Custody to undertake the shift assigned to you.

D) Duties and Responsibilities in that, by your actions as set out in paragraphs 2-12, you did not exercise your duties or responsibilities of a constable whilst at work.

E) Discreditable Conduct in that, by your actions as set out in paragraphs 1-12, you brought discredit on the police force and/or undermined public confidence in it.

F) Honest and Integrity in that, by your actions as set out in paragraphs 2-12 you acted dishonestly and without integrity.

Assessment of conduct if proven

Your conduct at paragraph 1, if proven, is serious and has been assessed as misconduct.

Your conduct at paragraphs 2-11, if proven, is so serious that dismissal could be justified, and your conduct has been assessed as gross misconduct.

The Panel carefully considered all the written material submitted, along with the evidence heard at the Hearing itself. The Panel also reminded itself that the AA brings the case, and it is for the AA to prove the case on the balance of probabilities.

The Panel followed the staged approach as set out in the guidance. Firstly, to consider findings as to the facts.

FACTS

The bulk of the facts have been agreed, the Panel now sets out its findings as to the disputed facts:

Allegation 1b:

In this instance the use of the term “moist” is not disputed. Officer A however disputed that this was sexual innuendo and rather a term that they regularly used to describe the weather.

On the balance of probabilities, we find that the AA had not made the case that the term was used as sexual innuendo. In making this finding it was noted that that whilst this was an unusual way of describing the weather and considered the context that the has acknowledged their use on innuendo on other occasions, the Panel also noted Officer A’s account and the objective use of “it’s” rather than a subjectively targeted “you’re” or equivalent term when making this comment.

Allegation 1e:

We note the wording of the regulation 30 and have considered this allegation in 3 parts:

Firstly, that Officer A withdrew the driving permit of Officer B for “no policing purpose”. On balance of probabilities, the Panel found that this was not proven. The Panel noted Officer A’s concern over 3 instances where vehicles were disabled whilst Officer B was driving. Whilst the clutch issue is known and recognised, the frequency of the vehicle failures whilst Officer B was driving would give cause for concern and on balance this could constitute a valid reason to remove a driving permit until the subject’s driving competence can be checked.

Secondly, on whether Officer A did not allow Officer B to be double crewed, the Panel found that this was proven, noting the evidence of Officer A and Officer G. However, this is not unusual, had a valid policing purpose and therefore does not have a bearing on conduct. This is an operational policing decision with a valid rationale.

Thirdly, on whether these actions were a display of inappropriate behaviour towards women, the Panel did not find this allegation proven. In making this decision the Panel found that the evidence does not support that these decisions were motivated or influenced by virtue of Officer B being a woman. We noted the email evidence between Officer A and the driving school which the Panel found to be consistent, both emails referring to a total of 3 incidents, thereby giving support to Officer A’s account that the email was sent after they were aware of the third incident. Though they may not have been aware of the near-miss POLACC, (police accident), at the time, they were aware of the vehicle failure which officer B described as going ‘limp.’ Irrespective of this finding of fact, the Panel found no evidence that this was motivated by the gender of Officer B.

However, Officer A’s failure to adhere to policy and procedure in dealing with this matter was noted.

Breach of the Standard of Equality and Diversity for Allegation 1:

Given the Panels' findings for allegations 1b and 1e, these allegations were excluded from the findings on this matter.

The Panel found that the AA's case was proven and the standard of Equality and Diversity had been breached.

In making this finding the Panel considered Officer A's acceptance of the terms used, the fact that they had recently had reflective practice on this exact matter, their position of authority as a sergeant and indeed the officer's own evidence. Whilst the Panel accepted that this was the officer's vernacular and habit, policy is clear in its inclusion of innuendo and that the impact on those effected must be considered.

Breach of the Standard of Honesty and Integrity for Allegations 2 and 3:

The Panel found the AA's case proven and that Officer A has breached the Standard pertaining to Honesty and Integrity and noted that this was not pertaining to operational dishonesty.

In making this decision the Panel considered the Officer's own admissions, the warning and advice from Officer C, the challenge from an Officer at the station on the day in question, the numerous messages exchanged with Officer C, the potential monetary considerations, the fact that no substantive work was undertaken on the day, noting the numerous breaks and lack of computer activity. The Panel also found it implausible that the officer went on patrol, noting the lack of call-sign, radio being switched on or PPE being worn; it was, in effect, simply a drive. The Panel also took into account the character evidence submitted on behalf of the officer, assessing both the credibility of the officer and a lack of propensity for dishonesty.

The panel, in considering all these matters, applied the two-stage test for dishonesty confirmed by Lord Hughes at [74] in the case of *Ivey v Genting Casinos* [2017] UKSC 67. The Panel considered the first stage of the test which concerns establishing the actual state of the Officer's knowledge or belief as to the facts at the time of the of the incident and whether this was an honestly held belief.

The Panel noted:

- i) Officer A's stated rationale that he was on autopilot and did not consider whether his actions were right or wrong.
- ii) As a panel we found this to be implausible, noting the challenges from Officer C, the challenge from another officer on the day at the station and the messages exchanged with Officer C.
- iii) We therefore find the officer did know that his actions were wrong.

Therefore, on this first subjective test we find Officer A's behaviour to be dishonest.

Similarly, considering the second stage of the test, the Panel found Officer A's actions were dishonest by applying the standards of ordinary decent people.

Having assessed all the evidence, the Panel concluded that the actions of the officer, by applying both the first limb and second limb of the test of dishonesty as laid out Lord Hughes at [74] in the case of *Ivey v Genting Casinos* [2017] UKSC 67, were dishonest.

SEVERITY

Following the staged process the Panel then considered the severity of the breaches of the Standards of Professional Behaviour and whether they were at a misconduct or gross misconduct level (that is, misconduct so serious as to justify disciplinary action or misconduct so serious as to justify dismissal).

The Panel noted that the Officer had admitted the Breach of the Standards of Orders and Instructions, Authority, Respect and Courtesy and Discreditable Conduct to the Level of Misconduct for allegations 1a, 1c and 1 d. Also noted was the acceptance of the breach of Standards of Orders and Instructions, Duties and Responsibilities and Discreditable Conduct at the level of Misconduct in relation to allegations 2 and 3.

With regards to Allegation 1, the Panel found that the Standard of Equality and Diversity to have been breached at the level of Misconduct. In making this finding the Panel notes:

A medium level of culpability:

- The officer should have reasonably foreseen the harm, was in a leadership role to those affected and the conduct was discriminatory in nature though note this was unconscious rather than conscious bias.

A Medium level of harm:

- Noting the reputational impact on policing and the concern of those affected

We note the aggravating factors:

- The behaviour was sustained over a period of time, was a significant deviation from instructions and in an area of national concern.

In mitigation we note the officer's early admissions.

With regards to Allegations 2 and 3, the Panel find that individually and collectively the standards to have been breached at the level of Gross Misconduct.

In making this finding the panel found:

A high level of Culpability:

- The action was deliberate and planned, the officer knew what they were doing was wrong.

Similarly, found was a high level of Harm:

- Albeit that the financial loss was limited, the Panel was concerned with the reputational harm to the service and public confidence in the police, in particular noting that dishonest behaviour of any nature has a significant impact on public confidence. Furthermore, this action, undertaken by a sergeant had the potential to undermine good order and discipline within the police service itself.

The Panel noted the following aggravating factors:

- The financial gain, though the Panel did not find that this was the primary motivation, the abuse of trust and position, the behaviour continued after the officer realised or ought to have realised it was wrong, the significant deviation from instructions, the failure to

seek- advice, even after having been told to do so, the failure in responsibility as a role model and the fact that multiple standards were breached.

In mitigation the Panel found the officer character references which point to their credibility and lack of propensity for dishonesty, their partial admissions and genuine remorse.

Officer A: Outcome

In this matter, the Panel have followed the structured approach as set out in the College of Policing's Guidance on Outcomes.

The Panel reminded itself first of the purpose of imposing sanctions as set out in the College of Policing Guidance:

- 1) To uphold public confidence in and the reputation of the police service;
- 2) To uphold high standards in policing and deterring misconduct; and
- 3) To protect the Public.

Then considered, as per section 2.8 of the Guidance, was the fact that any sanction imposed must be "... no more than is necessary to satisfy the purpose of the proceedings" and therefore less severe outcomes must be considered before more severe outcomes.

The Panel also noted that whilst it had found a breach of the Standards of Professional Behaviour for Honesty and Integrity, this was related to non-operational dishonesty. That is, it was not related to the dishonesty in the exercise of policing powers or in contact with the public.

The Panel therefore considered the most appropriate outcome with respect to the following four areas, and noted its earlier considerations:

- A high level of Culpability
- A high level of Harm
- Multiple Aggravating factors
- And limited Mitigating factors

However, also noted was the limited weighting that mitigation carries at this stage as set out by Lord Justice Maurice Kay confirmed in the Court of Appeal decision in the case of *Salter v Chief Constable of Dorset* [2012] EWCA Civ 1047, paragraph 23. This reinforces the guidance as set out by Lord Bingham stated in *Bolton v Law Society* (*Bolton v Law Society* [1994] 1 WLR 512, paragraph 519B–E.) This is further reinforced by Mr Justice Holroyde in *Williams v Police Appeals Tribunal* ([2016] EWHC 2708 (Admin), paragraph 67).

Having deliberated on all these areas, the Panel then considered the most appropriate outcome which met the purposes of these misconduct proceedings. Mindful of the guidance to consider the least severe sanction that met the purposes of these misconduct proceedings, the Panel first considered lower sanctions, including a Final written warning, but determined that this would not meet the purposes of imposing sanctions as set out in the College of Policing Guidelines.

The Panel then considered the option of imposing a reduction in rank, the Panel considered again the provisions regarding personal mitigation and its limited weight as set out in the case of *Salter*.

We also noted Paragraph 11.135 of the Guidance which says:

“Reduction in rank should only be used where circumstances warrant it. It should not be an outcome as a ‘softer option’ or simply where there is sympathy for the officer concerned. It is available as a sanction where there are questions of poor leadership related to the specific responsibilities of senior ranks in the police force where there may be different expectations of behaviour. ...”

The Panel also considered the case of R and the Police Misconduct Panel and Daniel Fletcher [2025 EWHC 93 (admin)]. Note were the comments of Mrs Justice Yip, that:

The Panel must “Consider the relevant Home Office Guidance and Outcomes Guidance in relation to the availability of reduction in rank as a sanction. The Panel must address the question of whether the misconduct involved poor leadership such as to make reduction in rank an available outcome. They must consider whether, in all the circumstances, the threshold for dismissal has been reached. If it has, dismissal is the outcome that must follow.”

This case is not one of a failure in leadership, it is a case of dishonesty. The Panel noted from Salter, as put by Lord Justice Stanley Burnton:

“An actual or perceived lack of integrity disqualifies a person from acting as either a constable or in a police supervisory role.”

Whilst Salter involved a case of operational dishonesty, the wider principles apply, honesty and integrity are fundamental to public confidence in and the reputation of the Police service. A lack of honesty brings into question the fairness and impartiality that is the foundation of policing and the Peelian principles on which the Police operate with the support of the Public.

The Panel therefore concluded that the only sanction that would fulfil the purposes of the Police Misconduct Regime is dismissal without notice.

Officer A was dismissed without notice, and will be placed on the College of Policing barred list.