

In the Police Misconduct Panel.

In the Matter of Chief Constable of Sussex Police v PC Oliver Kirkup.

Decision.

Introduction.

1. This is the decision of the Police Misconduct Panel convened on Wednesday 15th of July 2026 to consider the allegations of professional misconduct brought against PC Oliver Kirkup (PC Kirkup). The Panel sat for four days between the 15th of July 2026 until 20th of July 2026. The Panel comprised Assistant Chief Constable Peter Gardner (Panel Chair), Bud Johnston (Independent Panel Member) and Helen Elliot (Independent Panel Member). The Panel was assisted by Mr Gregor McGill (Legally Qualified Adviser). The Appropriate Authority (“AA”) was represented at the hearing by Ms. Chloe Hill and PC Kirkup was represented by Mr. Nicholas Bonehill.

Legal and Regulatory Background.

2. The statutory and regulatory basis of the Panel lies in the Police Reform Act 1996 and the Police (Conduct) Regulations 2020 (“the 2020 Regulations”) as amended by the Police (Conduct) (Amendment) Rules 2024. In addition, the Panel is to have proper regard to the Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office also issued in 2020 known as the “HOG”.
3. The 2020 HOG states at paragraph 1.4: *“The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.*
4. Later in the HOG the duty of the panel is summarised thus: *“The persons conducting misconduct hearings will consider the facts of the case and will decide the facts (on*

the balance of probabilities) and whether the officer's conduct amounted to misconduct, gross misconduct or neither".

5. Having determined the facts and deciding what they amount to, the Panel is then enjoined to decide what to do about them. The Panel therefore proceeded in accordance with this basic structure.
6. The purpose of the Police Misconduct Regime is set out in the most recent Guidance from the College of Policing (2023) on the outcomes in such proceedings. It states at paragraph 2.3 that it is threefold, namely (1) to maintain public confidence in, and the reputation of, the police service; (2) to uphold high standards in policing and to deter misconduct; and (3) to protect the public. It is not meant to be primarily punitive but it is accepted that misconduct proceedings can sometimes have that effect on officers involved in them.
7. The appropriate standards of professional behaviour for Police Officers is set out in Schedule 2 of the 2020 Regulations and the standards said to be engaged in this case are as follows: **Honesty and Integrity**: *Police officers are honest, act with integrity and do not compromise or abuse their position*; **Duties and Responsibilities** : *Police officers are diligent in the exercise of their duties and responsibilities*; **Orders and Instructions**: *Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.*
8. Regulation 41 (15) of the Conduct Regulations provides that the person(s) conducting the misconduct proceedings must review the facts of the case and decide whether the conduct of the officer concerned amounts to misconduct, gross misconduct or neither.
9. Misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross Misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal.

Relevant Regulatory Case Law.

10. In **Bolton v Law Society [1994] 1 WLR 512** Lord Bingham MR said in the context of solicitor's disciplinary proceedings that it was required of lawyers practising in the UK "*that they should discharge their professional duties with integrity, probity and complete trustworthiness*". He said that the most fundamental purpose of professional disciplinary proceedings was to maintain the profession's reputation and

to “sustain public confidence in the integrity of the profession... a profession’s most valuable asset is its collective reputation and the confidence which that inspires.”.

11. In the case of **Redgrave v Metropolitan Police [2003] 1 WLR 1136**, the Court of Appeal adopted Lord Diplock’s description of the purpose of disciplinary proceedings in *Ziderman v General Dental Council* [1976] 1 WLR 330:

“The purpose of disciplinary proceedings against a dentist who has been convicted of a criminal offence by a court of law is not to punish him a second time for the same offence but to protect the public who may come to him as patients and to maintain the high standards and good reputation of an honourable profession”.

12. In the case of **R(Green) v Police Complaints Authority [2004] UKHL 6 at 78**, Lord Carswell said as follows:

“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”.

13. In the case of *R(Coke-Wallis) v Institute of Chartered Accountants* [2011] UKSC 1 at 60, Lord Collins reaffirmed the purpose of professional disciplinary proceedings to be:

“...to protect the public, to maintain public confidence in the integrity of the profession and to uphold proper standards of behaviour....”.

14. In **Chief Constable of Dorset v PAT and Salter [2011] EWHC 3366 (Admin)** the High Court set out three important factors to be considered (dealing with outcome but relevant also to the purpose of misconduct proceedings):

“..It follows that when considering questions of sanction, the Panel, the Chief Constable on review and the Tribunal should have regard to the following factors:

i. The imposition of sanctions following a finding of misconduct by a police officer may have three elements:

a. There may be a punitive element designed to punish the police officer concerned and to deter others, particularly if he has not been prosecuted and convicted. But the imposition of sanctions is not primarily punitive, and may not be punitive at all.

b. The sanctions imposed may be designed to ensure that the police officer does not have the opportunity to repeat his misconduct.

c. However, the most important purpose of these sanctions, particularly in cases involving dishonesty and impropriety in connection with an investigation, is to maintain public confidence in the police service and to maintain its collective reputation.

li. One consequence of the fact that sanctions imposed in the disciplinary process are not primarily punitive is that personal mitigation is likely to have a limited impact on the outcome.”.

15. The weight to be given to personal mitigation, because of the nature and purpose of those proceedings, was discussed further in the case of **Williams v Police Appeal Tribunal [2016] EWHC 2708 (Admin) at paragraph 67** where Holroyde J (as he then was) stated as follows:

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

Matters of law about which the Panel were given guidance by the Legally Qualified Adviser.

16. **Dishonesty:** In *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67, the Supreme Court held that where dishonesty is in question, a fact-finding tribunal should ask itself two questions:

“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.”

17. **Integrity.** With respect to integrity, a lack of integrity may be less specific than dishonesty, may be less deliberate than dishonesty and may be less serious than dishonesty.

(a) 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 on 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".

(b) In **Wingate v Solicitors Regulation Authority [2018] EWCA Civ 366**, Jackson LJ considered the difference between honesty and integrity in professional disciplinary proceedings and said that: “[95] As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty... ... [97] In professional codes of conduct, the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. See the judgment of Sir Brian Leveson in Williams at [130]. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards. ... [100] Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse. ... [102] Obviously, neither courts nor professional tribunals must set unrealistically high standards, as was observed during argument. The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public. ...”

18. The Guidance in **Chief Constable of Dorset v PAT and Salter [2011] EWHC 3366 (Admin)** (and subsequently confirmed in the Court of Appeal) on the importance of considering operational dishonesty. In this case Mr Justice Burnett stated as follows:

- (a) *“The reasons which underpin the strict approach applied to solicitors and barristers apply with equal force to police officers. Honesty and integrity in the conduct of police officers in any investigation are fundamental to the proper workings of the criminal justice system...The Public should be able unquestioningly to accept the honesty and integrity of a police officer. The damage done by a lack of integrity in connection with the investigation of an alleged offence may be enormous. The guilty may go free. The innocent may be convicted. Large sums of public money may be wasted. Public confidence in the integrity of the criminal justice may be undermined. The conduct of a few may have a corrosive effect upon the reputation of the police service in general”.*
- (b) *“....the correct approach for a decision maker is to recognize that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonesty. That terminology itself recognizes that there may be exceptions. In concluding that the case is exceptional, the decision maker must identify the features of the circumstances of the misconduct which support a different conclusion, recognizing that the number of such cases would be very small. The decision maker would take account of personal mitigation, but must recognize its limited impact in this area”.*

Allegations faced by PC Kirkup.

19. PC Kirkup faced the following allegations:

“You joined Sussex Police on 08/01/2018. You first went to Gatwick Firearms training 07/09/2020, then moved to the Tactical Firearms Unit on 30/11/2020. At the relevant time you were a firearms officer on B section at Gatwick Airport.

Allegation 1

On 01/07/24 you were working at Gatwick Airport. You attended a report of a passenger found in possession of a single 9mm live round ammunition. It was discovered that the passenger was a Spanish police officer travelling through the airport. You took possession of the ammunition and updated the CAD and NICHE that the round was blank and that you were going to book it into the property store for destruction.

On 03/07/24 the same ammunition was found in an exhibit bag located in your docket. You confirmed to PS Butchart that this was the same ammunition taken from the Spanish police officer. Upon examination by PS Butchart, it was confirmed as 'live' 9mm ammunition.

It is alleged that you have breached the Standards or Professional Behaviour in that:

- a. You knew that the seized ammunition was live and falsely updated the records that it was not live.
 - (i) This was dishonest**
- b. You knew that the seized ammunition was live and failed to deal with it appropriately.*
- c. You failed to complete the necessary paperwork in relation to the seized ammunition, namely a NICHE report which would have ensured that the incident was recorded as a crime.*

Allegation 2

On 25/08/24 you were working at Gatwick Airport. You attended a report by Gatwick Staff in Central Search of a youth who was in possession of a 'butterfly' knife. You examined the knife and told Gatwick Staff that it was "plastic." You contacted Inspector Maloney, the Duty Inspector and informed him that it was not a 'butterfly' knife and repeated this several times.

When you returned to the writing room it was confirmed by colleagues to be a real 'butterfly' knife and an offensive weapon. You then threw it across the room in front of colleagues.

It is alleged that you have breached the Standards or Professional Behaviour in that:

- a. You knew that the knife was a real 'butterfly' knife, and you have falsely stated that the knife was not real.
 - (i) This was dishonest.**
- b. You knew that the knife was a real 'butterfly' knife and an offensive weapon, and you failed to deal with the offence and the alleged offender appropriately.*
- c. After it was pointed out to you by colleagues that it was a real 'butterfly' knife you nevertheless threw it across the room in front of them.*
- d. You failed to complete the necessary paperwork in relation to the seizure of the knife, namely a NICHE report which would have ensured that the incident was recorded as*

a crime and a SCARF, which in turn would have been sent to the relevant safeguarding departments due to the age of the person from whom it was seized.

Allegation 3

There is a requirement under College of Policing National Guidance as endorsed by the Force Uniform Policy that when conducting patrols, firearms officers wear their uniform hats. The hats are black and white 'baseball cap' type with the word "POLICE" written on the front.

On the 24/08/24 you were working at Gatwick airport deployed as part of a counter terrorism patrol and were not wearing your hat. When PS Holloway asked you if you had your cap with you, you told him that the clip on the strap was broken, and it would not stay on your head. You also told him that you did not have to wear one as it was obvious you were a police officer as you were carrying a gun and police kit. When PS Butchart then attended and asked where your hat was, you also told her that it was broken. You declined her offer to borrow a spare cap and told her you had ordered a new one. At the end of the patrol, PS Holloway offered to lend you a spare hat, but you declined and told him that the hat you had ordered would be there when you next came on shift.

On the 29/08/24 you were working at Gatwick airport and PS Butchart asked if you now had your hat and that you could borrow hers if not. You told her that your new hat had arrived from the clothing store.

It is alleged that you have breached the Standards or Professional Behaviour in that:

- a. On August 24th 2024 you falsely stated that you had a new hat on order when in fact you had not requested anything from the clothing store since 2022.*
 - (i) This was dishonest.*
- b. On August 29th 2024 you falsely stated that the new hat you ordered from the clothing store had been received when in fact nothing had been issued to you from the clothing store since 2022.*
 - (i) This was dishonest.*

The allegations set out above are in breach of the Standards of Professional Behaviour in relation to:

- I. *Honesty and Integrity*
- II. *Duties and responsibility*
- III. *Order and instructions*

The allegations if proven are so serious that dismissal could be justified if proven, and *separately and jointly amount to gross misconduct.*”

Documents and material available to the Panel

20. The panel had access to the following documentation:

- A hearing bundle numbered 1-222.
- Opening note from AA Counsel.
- Service Record of PC Kirkup.
- Character bundle provided by PC Kirkup.

Analysis and decision.

Allegation 1(a).

21. The Panel found this matter proved. The reasons for this decision were as follows:

- The admissions by PC Kirkup that he knew the ammunition was live.
- The training record of PC Kirkup that showed that he was trained as a Firearms Officer.
- The fact that the ammunition did indeed turn out to be live.
- Although the panel noted the inconsistency between his written and oral evidence, the Panel noted the evidence of PC Padovani. PC Padovani told the Panel that he had a recollection that PC Kirkup told him he was going to “crime “ this bullet once he got back to the station, although there was no reference to this in his original statement.
- The Panel also noted the radio transcript, which falsely stated the round was not live, that PC Kirkup confirmed this to be the case on being asked to do so, and in particular noted the intention to deal with the round as property for destruction and to close the CAD.

Allegation 1(a)(ii).

22. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The panel 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 concerned establishing the actual state of the Officer's knowledge or belief as to the facts at the time of updating the record and whether this was an honestly held belief.
- (b) On this subjective test, the Panel found, firstly, as above and admitted by the officer, that the round was live. The Panel noted PC Kirkup's defence that he mis-spoke, and the Panel noted the inconsistent evidence of PC Padovani. The Panel also noted the character evidence supplied which spoke to the credibility and lack of propensity for dishonesty by the officer. However the Panel found that, given the officer's training, their familiarity with firearms and the infrequency that live ammunition is found in searches at Gatwick, that it was not plausible that PC Kirkup did not know at the time that he was updating the record (CAD) incorrectly. In making this finding the Panel noted not only the initial statement that the round was not live, but the repetition of this when asked to confirm, and the noting of actions to deal with the round as property for destruction, not as evidence. The Panel found it unpalusible that even if PC Kirkup mis-spoke initially, he would not have realised the error when asked to confirm, or when noting the additional tasks to be undertaken. The Panel therefore found that subjectively, PC Kirkup knew his actions were dishonest.
- (c) Applying the objective test, whether PC Kirkup's actions were dishonest by applying the standards of ordinary decent people, the Panel found that the public expectation of a trained firearms officer tasked with keeping the public safe, and with full knowledge that the round was live, would be to have handled this correctly, not to mislead and to keep the public safe, and find that his course of conduct was dishonest.
- (d) The Panel therefore found this allegation proved on the balance of probabilities.

Allegation 1(b).

23. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The Panel's previous findings, set out above, that PC Kirkup knew the round was live.
- (b) PC Kirkup's own admission in cross examination on this point.

- (c) The evidence of Former PS Butchart and PC Padovani. Both these officers confirmed to the panel that PC Kirkup told them that the round was live, directly in the case of Former PS Butchart and, in the case of PC Padovani, by telling him that he was going to crime the bullet when he got back to the station.
- (d) The requirements of the Evidential Property Policy with regards to the storing of ammunition and the failure of PC Kirkup to follow the requirements of that policy i.e. paragraphs 2.2, 2.3, 7.1, 8.1, 8.2, 9.5 and 11.5.

Allegation 1(c).

24. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) PC Kirkup's own evidence and admissions about this matter.
- (b) The evidence of witnesses including that of Former PS Butchart and that of PC Padovani. Both these officer's confirmed that PC Kirkup informed them that the round was live and, that being the case, the ammunition should have been handled in accordance with force policy.
- (c) Force policy and the relevant paragraphs as set out above showing that the ammunition was not handled in accordance with that policy.
- (d) The multiple opportunities PC Kirkup had to complete this paperwork after their CT CVP deployment, notably his refreshments break for over an hour, or at the end of the day after disarming.
- (e) As such, on the balance of probabilities, the Panel find allegation 1 proven in its entirety.

Allegation 2a.

25. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The admissions by PC Kirkup that he knew the knife was a butterfly knife when initially seen.
- (b) The evidence of others, notably Ms Kember, PC Green, Former PC Butchart, PC Male, and Former Inspector Maloney. All of these witnesses stated that the object clearly was a butterfly knife. The pictures of the object also clearly show a butterfly knife.
- (c) The training that police officers (including PC Kirkup) receive on offensive weapons.

- (d) The frequency of these encounters (daily), indicating that PC Kirkup was familiar with the process to be followed.
- (e) The Panel noted the PC Kirkup's evidence that he never stated it was not a butterfly knife. The Panel contrasted this evidence with the evidence of others, particularly that of Ms Kember, Former Inspector Maloney, that of Former PS Butchart and that of PC Male. The Panel preferred the evidence of Former Insp Maloney and others which was consistent and corroborated by the evidence from the meeting in the office at Gatwick police station and the reaction of those present.

Allegation 2a(i).

26. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The Panel 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 incident.
- (b) On this subjective test, the Panel noted as per its findings for Allegation 2a, that the PC Kirkup knew the item was a butterfly knife and that he did update falsely that it was not. On the balance of probabilities, the panel found that PC Kirkup knew he was dishonest when stating to Ms Kember that the knife was plastic and in stating to Former Inspector Maloney that it was not a butterfly knife. When making these statements the PC Kirkup knew that what he was saying was not true. In making this decision, the Panel considered the evidence presented prior to and during the Hearing. The Panel also considered the character evidence supplied which speaks to the credibility and lack of propensity for dishonesty by PC Kirkup. Despite this evidence, the Panel was satisfied that PC Kirkup knew he was being dishonest when he consistently said the object was not a butterfly knife.
- (c) The Panel then considered the objective test, i.e. whether the PC Kirkup's actions were dishonest by applying the standards of ordinary decent people. The Panel was satisfied again that the public expectation that an officer, in the knowledge of the fact that the item was an offensive weapon, a butterfly knife, would be viewed as dishonest in stating to their inspector that it was not a butterfly knife and

would be dishonest in stating to Ms Kember that it was plastic, knowing that it was not.

Allegation 2b.

27. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The evidence of PC Kirkup himself including his admissions on failing to follow policy.
- (b) The evidence of the officer, PC Green, Former Insp Maloney, PC Male and Former PS Butchart. The evidence of all of these officers (including PC Kirkup) was that the object was clearly a butterfly knife.
- (c) The Panel noted that by admission and evidence that the proper process was only completed after the officer was instructed to do so following the meeting at Gatwick Police Station.
- (d) The Panel also noted the policy for dealing with offensive weapons at Gatwick Airport. The relevant policy stated that a crime must always be recorded if certain items are found, and that included butterfly knives.
- (e) The Panel therefore found this allegation proved on the balance of probabilities.

Allegation 2c.

28. The Panel found this matter proved. The reasons for this decision were as follows:

- (a) The evidence of Former PS Butchart and PC Male. Former PS Butchart clearly saw PC Kirkup throw the butterfly knife on a table. She confirmed under cross examination that it was not thrown far and it stayed on the table where it was thrown, but her evidence was that it was clearly thrown. PC Male gave evidence that PC Kirkup was getting angry and frustrated and that he heard a loud bang and believed that PC Kirkup had thrown the knife in frustration.
- (b) PC Kirkup himself admitted to the Panel that he was frustrated and threw the knife onto a table in frustration. He stated it was not thrown far and that it stayed on the table on which it was thrown. He confirmed that it was an underarm throw.
- (c) The Panel therefore found this matter proved on the balance of probabilities.

Allegation 2d.

29. The Panel found this matter not proved. The reason for this decision was as follows:

- (a) The Panel noted that, upon instruction, the necessary steps and paperwork were completed. The Panel also noted that the relevant policy required the SCARF to be completed before the end of duty which it was.

Allegation 3a.

30. The Panel found this matter not proved. The reasons for this decision were as follows:

- (a) The Panel noted the evidence of Former PS Butchart, APS Holloway, PC Kirkup himself, and the evidence provided in respect of any request of stores. The Panel had no reason to doubt the veracity of any of that evidence.
- (b) Given the nuances around the wording, however, the Panel found on the balance of probabilities that it was entirely plausible for all parties to have an honestly held belief that their account of what was said to be accurate. Unlike allegations 1 and 2 which deal with matters of such significance, there is a much lower probability of a misunderstanding. The Panel concluded that, in this instance, there is scope for misunderstanding.
- (c) The Panel therefore found this allegation to be not proved on the balance of probabilities.

Allegation 3b.

31. Given the findings of the Panel under allegation 3a above, and for the same reasons, the Panel found this allegation not proved against PC Kirkup.

Breaches of the Standards of Professional Behaviour.

- 32. **Honesty and Integrity**: The Standard of Honesty and Integrity as set out in Schedule 2 of The Police (Conduct) Regulations 2020 states that the expectation that: *“Police officers are honest, act with integrity and do not compromise or abuse their position.”* Given the two findings of dishonesty in allegations 1 & 2, **the Panel concluded that the Standard of Honesty and Integrity had been breached as a result of the findings of the Panel under each of those allegations.** Furthermore,

the Panel found that, as this dishonesty related to policing operations, it fell under the definition of operational dishonesty.

33. **Duties and Responsibilities**: The Standard of Duties and Responsibilities as set out in Schedule 2 of The Police (Conduct) Regulations 2020 states that the expectation that: *“Police officers are diligent in the exercise of their duties and responsibilities.”* Given the findings of fact, it is clear that PC Kirkup had not been diligent in the exercise of their duties, had not made serious or sustained attempts to do the right thing, or to follow the requirements of the appropriate policy. **The Panel was therefore satisfied that the allegations found proved under allegations 1 & 2 breached the standard of Duties and Responsibilities.**
34. **Orders and Instructions**: The Standard of Duties and Responsibilities as set out in Schedule 2 of The Police (Conduct) Regulations 2020 states that the expectation that: *“Police officers abide by police regulations, force policies and lawful orders.”* The findings with regards to the facts found proved under allegations 1 & 2 show that the officer clearly failed to abide by the policies in place to govern the policing activity he was undertaking. **The Panel was therefore satisfied that the allegations found proved under allegations 1 & 2 breached the standard of Orders and Instructions.**

Level of seriousness.

35. Following the staged process the Panel then considered the severity of the breaches of the Standards 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) or indeed neither.
36. Considering the College of Policing Guidance on Outcomes for the purposes of assessing seriousness at this stage (2023 edition), the Panel found PC Kirkup had a **high level of culpability** having regard to the factors laid out in the COP guidance. The Panel relied on the following matters in support of that conclusion:
- PC Kirkup’s actions were Intentional and deliberate.
 - The actions involved operational dishonesty.
 - One of the allegations involved a person that was vulnerable due to their age. Safeguarding is the responsibility of every police officer.

- As a police officer and Former authorised firearms officer, PC Kirkup would have, or ought to have, understood the risks associated with the actions that he chose to undertake.
- PC Kirkup interfered with the chain of evidence in possible criminal matters with regards to the live ammunition.

37. The Panel concluded that the actions of PC Kirkup were at the **high end of the harm scale**, and whilst no persons were physically harmed, **the potential for harm was very high**. In support of that conclusion, the Panel relied on the following:

- There was the potential for real and fatal harm. Policies are in place to deal with live ammunition and offensive weapons due to the risk associated with these prohibited items and they must be followed.
- There was the potential for safeguarding opportunities to be missed regarding a young person and the risk of them subsequently coming to or committing harm.
- There was a significant reputational risk for Sussex Police and policing nationally if it were to be public knowledge that the possession of offensive weapons and live ammunition, and the handling of live ammunition, was dealt with in such a manner by PC Kirkup.
- Knife crime and firearms discharges are areas of national concern.

38. There were a number of **aggravating factors** present. Including:

- Two separate and similar incidents of operational dishonesty.
- PC Kirkup failed to seek advice in relation to the ammunition. Although he sought advice in respect of the butterfly knife, he was not honest in his dealings with Former Inspector Maloney about the butterfly knife.
- The behaviour continued after PC Kirkup realised, or ought to have realised, it was wrong.
- The behaviour was a significant deviation from instructions and policy.
- The behaviour involved the breach of multiple standards of professional behaviour.

39. The Panel identified no meaningful mitigating factors at this stage of the proceedings. Although the Panel did have a character bundle relating to PC Kirkup at this stage, the Panel noted the limited weight which could be given to that bundle at this stage of the proceedings.

Level of Misconduct.

40. Taking all of the above into consideration, the Panel found that PC Kirkup's conduct was so serious and fell short of the Standards expected to such an extent, that their dismissal from Sussex Police would be justified. **Accordingly, the Panel made a finding of Gross Misconduct in this matter for the breach of the standards individually and collectively.**

Applying the sanction.

41. Following the findings made by the Panel on the facts, the breaches of the professional standards and the level of misconduct, the Panel considered the most appropriate sanction for its findings of gross misconduct.
42. The Panel followed the structured approach as set out in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings (2023 Edition).
43. The Panel first considered once more the severity assessment and the seriousness of the breaches with respect to:
- Culpability
 - Harm
 - Aggravating factors; and
 - Mitigating factors
44. The Panel considered its assessment of severity at the previous stage and revisited this with regards to the considerations at this stage of proceedings. The Panel also considered the officers service record and character references though it noted the limited weight they carry at this stage in proceedings as set out in **Chief Constable of Dorset v PAT and Salter [2011] EWHC 3366 (Admin)** and reinforced by Lord Justice Holroyde in the case of **Williams v Police Appeal Tribunal [2016] EWHC 2708 (Admin)**. The Panel remained satisfied that the culpability of PC Kirkup remained high, the harm and potential for harm caused by the conduct of PC Kirkup remained high, there remained a number of aggravating features and that the mitigation raised on behalf of PC Kirkup did not reduce the findings of the Panel on the level of seriousness.
45. The Panel then reminded itself of the purpose of the police misconduct regime as set out in the College of Policing Guidance:
- To uphold public confidence in and the reputation of the police service;

- To uphold high standards in policing and deterring misconduct; and
 - To protect the Public.
46. The Panel then considered that, as per section 2.8 of the Guidance, 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.
47. The Panel went on to consider the case of **Chief Constable of Dorset v PAT and Salter [2011] EWHC 3366 (Admin)** and the conclusions of Mr Justice Burnett that: "Honesty and integrity in the conduct of police officers in any investigation are fundamental to the proper workings of the criminal justice system. [...] The public should be able unquestioningly to accept the honesty and integrity of a police officer. The damage done by a lack of integrity in connection with the investigation of an alleged offence may be enormous." And that, "[...] the correct approach for a decision maker is to recognise that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonestly."
48. The Panel then considered whether a final written warning would serve the threefold purpose of the police misconduct regime and the Panel felt clearly that a final written warning would not meet the purposes of the regime. The Panel particularly noted that the breaches found proved involved findings of dishonesty on two occasions, multiple failures to follow appropriate policy and failures to deal with dangerous articles appropriately. A final written warning was not considered to be proportionate in these circumstances.
49. As PC Kirkup was a police constable, the option of reduction in rank was not open to the Panel.
50. The Panel concluded that, given the seriousness of the gross misconduct, and considering the relevant case law, the only sanction that appropriately and proportionately met the purposes of the police misconduct regime would be **dismissal without notice**.
51. The Panel made a recommendation that PC Kirkup should be placed on the police barred list.

ACC Peter Gardner – Panel Chair.

Bud Johnston – Independent Panel Member.

Helen Elliot – Independent Panel Member

July 2026.