

**IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020, AS AMENDED BY THE
POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024**

CM/43/24

FORMER POLICE CONSTABLE 7613 JAMES WOOD

OUTCOME REPORT

Stage 1 – Findings

1. These misconduct proceedings relate to former officer Police Constable 7613 James Wood (“the Former Officer”).
2. The Former Officer joined Thames Valley Police on 30 October 2023. The Former Officer resigned on 22 March 2024 and is therefore now a former officer.
3. Regulation 4(2) of the Police (Conduct) Regulations 2020 as amended provides as follows:

“... these Regulations also apply, with the modifications set out in Schedule 1, where—

(a) an allegation comes to the attention of a relevant body which indicates that the conduct of a person who at the time of the alleged conduct was a police officer (“P”) may amount to gross misconduct, and

(b) condition A, B or C is satisfied”.

4. Both these pre-conditions are satisfied in the present case. Condition A, which is satisfied in the present case, is that the officer in question ceased to be a police officer after the allegation first came to the attention of a relevant body as is apparent from the chronology of events set out below.

5. Accordingly, the misconduct regime contained in the Police (Conduct) Regulations 2020 as amended by Schedule 1 falls to be applied to this case.
6. By reason of Schedule 1, the possible outcomes are modified as follows. The Panel must still review the facts of the case and decide whether the conduct of the officer concerned amounts to misconduct, gross misconduct or neither. Where the Panel finds that the conduct amounts to gross misconduct, it may impose disciplinary action for gross misconduct but limited to a finding that the Former Officer has committed a breach of the Standards of Professional Behaviour that is so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police. Where the Panel finds that the conduct amounts to misconduct but not gross misconduct, it may record a finding of misconduct but no further action can be taken.
7. The Former Officer was served with a Regulation 30 Notice on 9 March 2026. At the same time he was given notice of this hearing and Counsel for the AA confirmed that he had been given further notice by email of today's date.
8. Details of the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct is set out in the Regulation 30 notice as follows:

a) On or after 30th Oct, you began your 22-week period of recruit training at Sulhamstead on intake W23.

b) On various occasions in the course of that training you made comments or behaved in a manner which were offensive in that you were racist and / or discriminatory, including:

i. Saying that you didn't drink because the last time you had drunk you had "got into a bit of trouble" because you had been "really racist"; and /or

ii. Dismissing the suggestion of staying at a particular hotel with your girlfriend because it was "full of immigrants" and because "they were all thieves"; and /or

iii. Suggesting that all terrorists are Muslim; and /or

iv. Posting on social media, namely TikTok, the comment "good" in response to a news article detailing the fact that a large area of Pakistan was underwater after flooding and that just under 2,000 people had died as a result.

c) Such conduct is in breach of the Standards of Professional Behaviour in relation to Authority, Respect and Courtesy, Equality & Diversity and Discreditable Conduct. If proven it is so serious that your dismissal would be justified and as such it amounts to gross misconduct.

9. On 17 March 2026 the Former Officer replied by email as follows:

“This is to inform you that I will not be signing the Regulation 30 document and will not be attending the hearing.

It has been nearly 2 years since I left the police now, and the complaint relating to the behaviour of the officer has recently been upheld.

You are now forwarding completely fresh information for me to consider - completely different from the information originally put to me in connection with the allegations against me - and I now consider your treatment of me to be verging on harassment.

I therefore request that you do not contact me again. Any further contact regarding the hearing or other matters in relation to this will be documented and legal action will be heavily considered”.

10. Consistent with the above-mentioned email, the Former Officer did not serve a Regulation 31 response, has not appeared at the hearing and appears to have totally disengaged from the process. In the circumstances, the Panel are satisfied that the Former Officer has evinced a clear intention not to take part in the proceedings. However, the Panel are satisfied that he was given notice of the hearing and could have attended if he had wished to but has clearly chosen not to. Fairness to the officer is always a prime consideration in deciding whether or not to proceed in absence, but in the circumstances of this case, given the terms of his email dated 17 March 2026 and the facts that the Former Officer has failed to cooperate with the process or comply with the Regulations since being served with the Regulation 30 Notice, the Panel have concluded that it is fair, proportionate and in the interests of justice to proceed in his absence and the

Panel is empowered to proceed in his absence: see Regulation 37(3) of the 2020 Regulations.

11. In addition, given the Former Officer's disengagement from the process and the absence of any Regulation 31 response joining issue on the facts, it was also decided by the Chair, on the advice of the LQP, that it was not necessary in the interests of justice for any live evidence to be given. Instead the Panel proceeded on the basis of the written evidence of the various witnesses.
12. In coming to our conclusions we have had regard to the following advice and directions provided to us by the Legally Qualified Person:

1) *The burden and standard of proof.*

The burden of proof is on the Appropriate Authority ("AA"). The standard of proof is the normal civil standard, that is, the balance of probabilities. The officer does not have to prove anything. Conduct will be proved on the balance of probabilities if the Panel is satisfied by the evidence that it is more likely than not that the conduct occurred. The more serious the allegation that is made, the more persuasive (cogent) the evidence will need to be to meet that standard. That does not mean the standard is higher. The standard is a single unvarying standard (i.e. there is no sliding scale). It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probabilities and deciding on balance whether the conduct occurred.

2) *Identification of the issues in the case.*

The factual issues in the case are those set out in the Regulation 30 notice, namely whether Former Officer behaved in a manner which was offensive, racist and/or discriminatory by reason of the things he said and did as particularized in the Regulation 30 notice.

3) *Task of Panel*

Having considered the totality of the evidence, and the issues in the case, the task of the Panel is to:

(i) *determine the facts on the balance of probabilities, the burden of proof being on the Appropriate Authority;*

(ii) *decide whether on the facts found the conduct has breached the Standards of Professional Behaviour and if so which standards and why;*

(iii) *decide whether the admitted or proven breaches amount to misconduct or gross misconduct or neither and*

(iv) *decide what the outcome should be, having regard to the limited range of outcomes available in the case of former officers.*

In assessing the seriousness of the conduct, the Panel should apply the approach set out in the ‘Guidance on outcomes in police misconduct proceedings’ provided by the College of Policing. When applying that approach, the panel should consider the four essential ingredients of Culpability, Harm, Aggravating factors, and Mitigating factors. The Panel will want to have regard to the fact that the guidance specifically identifies conscious and deliberate discrimination as particularly serious, because it serves to undermine public confidence in the police service.

At a misconduct hearing, the decision may be made by majority.

4) *The relevant Standard(s) of Professional Behaviour in play in this case are (i) Authority, Respect and Courtesy, (ii) Equality & Diversity and (iii) Discreditable Conduct.*

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

5) The modified definition of misconduct and gross misconduct

Misconduct is generally defined as unacceptable or improper behaviour. In the context of the police conduct regulations applicable to former officers, it is defined as follows...

“misconduct” ... means a breach of the Standards of Professional Behaviour that is not so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force;

“gross misconduct” means a breach of the Standards of Professional Behaviour that is so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police;

Where the panel is considering more than one allegation against the same officer at a misconduct hearing, it may take the allegations together. They can treat them as a single allegation for the purposes of making an assessment, a finding, a determination or a decision in connection with conduct that is the subject matter of an allegation.

6) Findings must be evidence based on evidence, including inferences properly drawn from the evidence, and not conjecture or speculation.

The Panel will base its findings of fact on the evidence which it accepts as reliable and accurate. As the Panel considers the evidence, they may draw inferences from the evidence – that means they can come to common sense

conclusions based on the evidence. They will not, however, speculate as to what other evidence there might or might not have been. There is no place for speculation or conjecture.

7) *Assessment of witnesses*

Whilst no live evidence was given, it is still for the Panel to judge the credibility of the witnesses, in the light of their written evidence and the documentary evidence to which reference has been made. It is for the Panel to decide what weight to give to the evidence.

8) *Staged decision making.*

The panel should proceed in 2 stages. At stage 1, pursuant to regulation 41(15) of the Conduct Regulations, 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”.

Depending on the findings, the panel must then decide upon the appropriate outcome from the available outcomes, bearing in mind the former officer regime. must be decided upon. However, before any decision on outcome is made, the panel will need to hear further submissions on outcome, and consider the officer’s record and any personal mitigation. That will occur at Stage 2 after the panel have come back with their stage 1 findings.

13. The procedural history can be taken from the investigating officer’s report dated 14 November 2024. On 22 March 2024 the Former Officer, who was a recruit in training at the material time, was served with a Regulation 17 notice alleging that he had made racist comments amongst colleagues suggesting that all immigrants are thieves, all terrorists are Muslim and that he had posted the word “good” on social media in response to a video that a large geographical area of Pakistan was under water. The date of the complaint was 19 March 2024. The notice was personally served on the Former Officer by the investigating officer who cautioned him in familiar terms and highlighted the alleged breaches of the standards to him. According to the report of the investigating officer, the Former Officer, after due consideration and a discussion with his trainer, admitted the breaches

verbally, stated he was stupid to say what he did, and then resigned with immediate effect from the police force.

14. Unsurprisingly in those circumstances, the Former Officer's conduct was originally assessed as satisfying the "special conditions" for an accelerated misconduct hearing ("AMH") pursuant to Part 5 of the Police (Conduct) Regulations 2020. He was therefore served with a regulation 51 notice setting out the allegations, but he then gave a detailed response pursuant to regulation 54 in which he disputed the allegations, denied that he was the 'James Wood' who had posted the TikTok comment and otherwise challenging the accounts given by his colleagues. The matter was therefore returned to proceed pursuant to Part 4 and to be further investigated. In due course he was duly served with a Regulation 30 notice setting out the allegations against him together with the further evidence gathered. As noted above, he has not replied pursuant to regulation 31, and has since declined to participate in these proceedings in any way.
15. Notwithstanding the Former Officer's lack of engagement with the proceedings, in fairness to the Former Officer the Panel propose to treat the Former Officer's Regulation 54 as containing his defence to the allegations. That Regulation 54 response disputes the allegations and does not accept that his conduct amounts to gross misconduct.
16. We remind ourselves it is for the AA to satisfy the panel that the allegations set out in the Regulation 30 Notice have been proved on the balance of probabilities and that they amount to breaches of the Standards of Professional Behaviour as alleged. The former officer does not have to prove anything. If proved to the requisite standard, it will then be for the panel to decide on outcome. We turn then to deal with each of the allegations in turn.

Allegation (i): The officer said that he didn't drink because the last time he had drunk he had "got into a bit of trouble" because he had been "really racist"

17. PC 7667 Naomi Sheldon was a fellow recruit in training with the officer. She describes in her statement how in the third week of initial training she heard the Former Officer make the above comment, further describing how nobody questioned it, because everybody was shocked, laughed it off politely, and nobody wanted to hear anything more about it. She described him subsequently

being somewhat “boastful” of the comment he had made. PC 7701 Thalia Gray was also present when the comment was made and when it was discussed subsequently. PC 7616 Fairhurst was also present when the original comment was made. Both these officers confirm what was said and corroborate PC Sheldon’s account. There is no reason whatever to doubt the credibility of these officers and we accept their evidence and find this allegation proved on the balance of probabilities.

Allegation (ii): The officer dismissed the suggestion of staying at a particular hotel with his girlfriend because it was “full of immigrants” and because “they were all thieves”

18. PC Sheldon also recalls hearing this comment, made at lunchtime one day in the canteen. When the former officer mentioned treating his girlfriend to a night at a hotel some of his colleagues made suggestions about where they might stay. On hearing one particular hotel suggested he made the comments alleged, prompting PC Sheldon to respond and challenge his views. When she did so, the officer “doubled down”, confirming in further detail his earlier comment. PC 7669 Lauren Wellstead was a fellow recruit in training who was also present when these comments were made, as was PC 7616 Fairhurst and PC 7517 McMenamin. There is no reason whatever to doubt the credibility of these officers and we accept their evidence and find this allegation proved on the balance of probabilities.

Allegation (iii): The officer suggested that all terrorists are Muslim

19. According to PC Sheldon, as part of a conversation about whether he was interested in pursuing a career in firearms and counter-terrorism, the Former Officer said he was passionate about counter-terrorism and that “we all know where terrorism comes from”. That was the context for his suggestion that all terrorists are Muslim. As she had done previously, PC Sheldon challenged him about this, but then changed the subject. There is no reason whatever to doubt PC Sheldon’s credibility and we accept her evidence and find this allegation proved on the balance of probabilities.

Allegation (iv): The officer posted on social media, namely TikTok, the comment “good” in response to a news article detailing the fact that a large

area of Pakistan was underwater after flooding and that just under 2,000 people had died as a result

20. PC Wellstead, a fellow recruit in training, describes how on 17 March 2024 she was watching a TikTok video about the 2022 Pakistan floods detailing the fact that a large area of Pakistan was underwater after flooding and that just under 2,000 people had died as a result. She describes how she saw that the officer had commented “good” on the video; she was so surprised and shocked that she took a screen recording on her phone of this, subsequently showing it to PC McMenamin. The former officer suggested in his regulation 54 response that this was not in fact his account at all, but PC Wellstead was asked to provide a further statement in which she confirmed that she had explored the same account and saw that it was indeed the Former Officer’s account. Her analysis is corroborated by PC McMenamin, who produced various screenshots as evidence and “categorically” confirms that this was the Former Officer’s account. There is no reason whatever to doubt credibility of these officers and we accept their evidence and find this allegation proved on the balance of probabilities.
21. The investigating officer’s report details further enquiries and evidence which serve to confirm, on the balance of probabilities that this was indeed the Former Officer’s account.
22. We therefore find all the allegations proven on the balance of probabilities and are satisfied that they amount to gross misconduct. As the Code of Ethics emphasizes, the police are role models and must consistently demonstrate professional behaviour. There is no place in the modern police service for prejudice, preconceptions or racist and discriminatory words or conduct. Such behaviour undermines the impartiality of policing and must be called out and rooted out of the police service. The words and conduct of the Former Officer were deeply offensive and strike at the heart of everything that the police stands for in terms of fairness, respect and impartiality.
23. In assessing seriousness, we consider culpability, harm, aggravating factors and mitigating factors. The seriousness of this kind of behaviour cannot be overstated and it appears to have been part of a consistent pattern of deliberately discriminatory and inflammatory language. This was deliberate, intentional conduct; the Former Officer has no one to blame but himself. As the Guidance on

Outcomes explains, discriminatory words and conduct are always serious and have the potential to cause real harm to the reputation of the police service because the public cannot have confidence that the former officer will discharge their duties in accordance with the Standards of Professional Behaviour. Aggravating features include the repeated or sustained nature of the behaviour over a period of time; continuing the behaviour after the former officer realised, or should have realised, that it was improper, having been called out by PC Sheldon; multiple victims; significant deviation from instructions; scale or depth of local or national concern about issues of racism in the police service; multiple proven allegations and/or breaches of the Standards of Professional Behaviour. There is no meaningful mitigation.

24. *Gross misconduct is defined as conduct so serious so as to justify a dismissal. We have no hesitation in categorising the proven allegations as gross misconduct, amounting as they do to breaches of the Standards of Professional Behaviour (Authority, Respect and Courtesy, Equality and Diversity, and Discreditable Conduct) so serious that the former officer would have been dismissed if he had not ceased to be a member of the police.*

Stage 2 - Outcome

25. The Panel has found all the allegations proved and categorized the breach of the relevant Standards (Authority, Respect and Courtesy, Equality and Diversity, and Discreditable Conduct) as gross misconduct.
26. As the Guidance on Outcomes explains at paragraph 3.33, where the panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action or no disciplinary action. Where the finding is gross misconduct and disciplinary action is imposed, this can only be that the former officer would have been dismissed if still serving. No other sanctions can be enforced. If the finding is gross misconduct but the panel determines that dismissal is not justified, then no action will be taken and the gross misconduct will be recorded. Before a panel decides to impose the disciplinary action that the former officer would have been dismissed if still serving, it must follow the same process that applies to serving officers in arriving at what the appropriate sanction would have been.

27. We shall not repeat here the terms of our Stage 1 decision but it will be apparent that we regard the proven conduct as very serious. There is no place for this kind of language and behaviour in the police service.
28. In determining the appropriate sanction the Panel have followed the 3-stage approach identified by Popplewell J in *Fuglers LLP v SRA* [2014] EWHC 179 (Admin) at paragraph 28 which is in these terms:

“There are three stages to the approach which should be adopted by a [...] disciplinary tribunal in determining sanction. The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question”.

29. In applying the above-mentioned 3-stage approach and arriving at our decision on the appropriate sanction, we have also given careful consideration to the ‘Guidance on Outcomes in Police Misconduct Proceedings’ (“the Guidance”) published by the College of Policing.
30. The relevant parts of the Guidance are as follows:

“The guidance does not override the discretion of the person who is conducting the meeting or hearing. Their function is to determine the appropriate outcome and each case will depend on its particular facts and circumstances. Guidance cannot and should not prescribe the outcome suitable for every case.

This guidance outlines a general framework for assessing the seriousness of conduct, including factors that may be taken into account. These factors are non-exhaustive and do not exclude any other factors that the persons conducting the proceedings may consider relevant”.

31. Later on, the Guidance states:

“When determining the appropriate outcome to impose consider the purpose of police misconduct proceedings.

The purpose of the police misconduct regime is threefold:

- 1. Maintain public confidence in and the reputation of the police service.*
- 2. Uphold high standards in policing and deter misconduct.*
- 3. Protect the public”.*

32. The Guidance draws specific attention to the decision of the House of Lords in R (Green) v Police Complaints Authority [2004] UKHL 6 at paragraph 78 where Lord Carswell stated in relation to the police service:

“Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner of 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”.

33. Chapter 4 of the Guidance deals with ‘Assessing Seriousness’. It refers firstly to the Fugler stages set out above. It then goes on to emphasise that assessing seriousness is the first stage and directs attention to four central reference points:

- “1. The officer’s culpability for the misconduct.*
- 2. The harm caused by the misconduct.*
- 3. The existence of any aggravating factors.*

4. *The existence of any mitigating factors*”.

34. Under the heading ‘*Culpability*’ at paragraph 4.9 the Guidance contains the following: ‘*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*’.
35. We repeat the conclusions set out in our Stage 1 findings on seriousness. No further elaboration is required. The seriousness of the conduct proved is self-evident from our findings at stage 1 above. Culpability is obviously high. In terms of harm, this type of behaviour undermines public confidence in the police service. There are a number of aggravating factors, as explained in our assessment of culpability. There is no meaningful mitigation. The Former Officer has not apologized or shown any remorse or insight. In sum, this type of behaviour is, as the Guidance on Outcomes makes clear, inimical to the values of modern policing and the Standards of Professional Behaviour.
36. Turning then to Stage 2 of Fugler, we remind ourselves that by far the most important purpose of imposing disciplinary sanctions is to uphold the reputation of the police service as a whole in the eyes of the general public. As Sir Thomas Bingham MR famously observed in *Bolton v The Law Society* [1994] 1 WLR 512 at p 518H: “*The second purpose is the most fundamental of all: to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied readmission. ... A profession’s most valuable asset is its collective reputation and the confidence which that inspires.*” That was a case about the solicitors’ profession, but the same considerations apply to the police service.
37. Finally, we turn to Stage 3 and consider the appropriate sanction, reminding ourselves we must have regard to proportionality and choose the least severe outcome which adequately deals with the issues identified whilst protecting the public. We have considered the former officers record. In reality there is only one possible sanction given our findings and seriousness assessment. The sanction we impose is a finding that the Former Officer has committed a breach of the Standards of Professional Behaviour that is so serious that the former officer

concerned would have been dismissed if the officer had not ceased to be a member of the police.

Assistant Chief Constable Dennis Murray QPM - Chair

Ms Susannah Dengate - Independent Panel Member

Mr Eddie Lynch - Independent Panel Member

2 July 2026