

THAMES VALLEY POLICE

IN THE MATTER OF THE POLICE ACT 1996

AND

THE POLICE CONDUCT REGULATIONS 2020

AS AMENDED BY

THE POLICE (CONDUCT)(AMENDMENT) REGULATIONS 2024

AND

THE POLICE (CONDUCT, PERFORMANCE AND COMPLAINTS AND MISCONDUCT)
(AMENDMENT) REGULATIONS 2025

NOTIFICATION OF FINDINGS AND OUTCOME: REGULATION 43 REPORT

PS 5317 DAVID BRENCHLEY

Hearing

11th - 14th August 2026

In person hearing at Thames Valley Police HQ, Kidlington, Oxfordshire

Panel

Chair: DCC Paul Mills QPM (Retired)

Independent panel member: Jonathan Hill

Independent panel member: Claire Moreton

Legally Qualified Advisor (LQA): Jane Jones

Representatives

Counsel for Appropriate Authority: Zander Goss

Counsel for the former Officer: Eleanor Curzon

Police Federation Friend: Inspector Peter Foy

Decisions Summary

Six of eight allegations were disputed. All allegations were found proved; these comprised one allegation of inappropriate and overly familiar touching of a female officer in 2021 and seven matters of making inappropriate and unprofessional comments to colleagues in 2025. The 2025 matters included sexualised innuendos and the use of homophobic and misogynistic comments. All matters took place whilst on deployment as supervisor of a Licensed Search Team.

The conduct breached the Standards of Professional Behaviour in respect of Authority, Respect and Courtesy, Equality and Diversity and Discreditable Conduct.

The conduct overall amounted to Gross Misconduct.

There being no exceptional circumstances found, the outcome was that the Officer was Dismissed Without Notice.

A. Introduction

1. This is a record of the decision of a Police Misconduct Panel held under the Police (Conduct) Regulations 2020, as amended in 2024 and again in 2025. All references to the Regulations are to these regulations unless specified otherwise.
2. The proceedings relate to the conduct of PS 5317 David Brenchley, a serving officer with Thames Valley Police. He is referred to in this report as ‘the Officer’.
3. This report has been drafted by the LQA but is adopted by the Chair. The Panel has had the opportunity to review and amend it. The Panel members understand that they are ultimately responsible for both the decisions they have made and the explanation of those decisions. The Panel have considered this case in detail and with great care, including taking an active role in questioning all the live witnesses and the Officer.
4. There may be slight differences between this written document as compared to any full transcript of the hearing. If that is the case, this written document should be regarded as the definitive version.
5. The misconduct hearing was conducted in person at Thames Valley Police HQ in Kidlington, Oxfordshire and lasted for all of the four days allocated.
6. A public notice giving details of the hearing was published on the Thames Valley Police website in the usual way and for the requisite period. Members of the general public, including the media, were welcome to attend the proceedings, although none did so.
7. The Officer was legally represented throughout these proceedings by Counsel. His Police Federation Friend was also present throughout. The Officer was present during all of the hearing, save the delivery of the outcome stage, and gave evidence on his own behalf. He was a serving officer throughout.

B. The Regime

8. The police misconduct regime was applied as follows:

- (i) The proceedings were conducted under the Police (Conduct) Regulations 2020, the matter in question having come to the attention of the relevant Appropriate Authority after February 2020.
- (ii) The first tranche of the 2024 Police (Conduct) (Amendments) Regulations, principally affecting the constitution of the panel, is in force. The proceedings were chaired by a senior police officer (retired) because the Regulation 30 Notice was served after 7th May 2024.
- (iii) Further amendments came into force on 28th May 2025, in the form of the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025. Regulation 64(1) of the 2025 Regulations specifies that the amendments do not apply to a ‘pre-commencement allegation’. Regulation 67 defines this as an allegation which came to the attention of the chief officer of police before 28th May 2025. The 2021 allegation in this case did not meet that definition, and so all of the allegations fell to be dealt with under the regime as amended by the 2025 Regulations. This is significant as the amendments to Part 3 affected the process and options available to the Panel at the Outcome stage.
- (iv) New Home Office Guidance is anticipated shortly to address how these changes should be approached, but it is not publically available at the time of this hearing, so the relevant Home Office Guidance remains the February 2020 version.
- (v) The relevant Guidance on Outcomes is the 2023 version. Again, an amended version is anticipated but is not available to the Panel in this case.
- (vi) The College of Policing’s Code of Practice for Ethical Policing came into effect on 6th December 2023. This is guidance for senior officers and pre-dates all the relevant conduct with the exception of the first allegation.
- (vii) The College of Policing’s Guidance for Ethical Policing and Professional Behaviour in Policing and its Ethical Policing Principles were both published on 24th January 2024. These documents together replace the College of Policing’s Code of Ethics and were available to officers at the time of the

relevant conduct, with the exception of the first allegation. They have been applied accordingly.

C. Background

9. The Officer was an experienced Sergeant with Thames Valley Police, having joined in 2003, been promoted to Sergeant in 2013, and undertaken a broad range of roles which included undertaking Equality Impact Assessments.
10. In addition to his core duties, the officer also periodically undertook the role of a Licensed Search Officer (LSO) Team Leader, and it was in this capacity that the allegations at the heart of this case arose. The alleged breaches of the Standards of Professional Behaviour, concern conduct both on and off duty.
11. Following a deployment to Scotland in 2025 an investigation was commenced into the conduct of the Officer. After he had been served with a Regulation 17 Notice in respect of those matters another officer came forward and provided a statement relating to an alleged incident of inappropriate touching in 2021 when she and the Officer were on deployment to Cornwall. This matter was then also investigated and subsequently became part of the Appropriate Authority's case against the Officer. This earlier matter was included within the investigation interview.
12. It is notable that although all the junior officers who gave evidence in this case had some years of experience within the Thames Valley Police, none of them had been on a previous mutual aid deployment, where they were required to be outside the Force area residentially for a number of days.
13. The Officer received Reflective Practice in April 2025 concerning an allegation of physical contact with a female and appropriate workplace boundaries. As part of this process the Officer completed further Sexual Harassment Training and read the National Sexual Misconduct Survey results. This took place in the weeks immediately prior to the deployment to Scotland in July 2025.

D. Pre-Hearing

14. A pre-hearing was held in private on Microsoft Teams on 29 April 2026. This was attended by the Chair, Counsel for the Appropriate Authority, the Investigating Officer, the solicitor for the Officer, the Hearings Manager, a shadow Chair and a different LQP to the main hearing.
15. Adherence to the time limits of the regulatory framework was confirmed. The matters in dispute were clarified, and it was confirmed that the Officer denied all the allegations; some of the basis of inaccuracy or context, some on the basis that they simply never happened. He did not accept that his conduct breached any of the Standards of Professional Behaviour, or that it amounted to misconduct or gross misconduct.
16. There were no outstanding issues regarding disclosure or editing.
17. The LQP was not available for the hearing date set at the pre-hearing and was subsequently replaced by Mrs Jones.
18. It was confirmed that the Officer wished to make an application for the proceedings to be held in private without public notice and for him not to be named. This application was later made in writing and opposed by the Appropriate Authority. After taking advice from Mrs Jones, the Chair refused this application and provided written reasons for doing so.
19. The Chair made a determination for six witnesses to give live evidence.
20. No Equality Act issues were raised at any stage by or on behalf of the former Officer, either with regards to matters relevant to conduct or reasonable adjustments.
21. Directions were made at the pre-hearing with regard to character witness statements and an Opening Note.

E. Allegations: The Appropriate Authority's position

22. The Appropriate Authority served a Regulation 30 Notice on the Officer on 11th March 2026. The full wording of the allegations appears under heading K below.

23. The Appropriate Authority's position was, broadly, that the Officer had acted inappropriately by touching a female junior officer whilst in deployment in Cornwall in 2021, and then on multiple occasions by making offensive, sexualised, homophobic or misogynistic remarks, whilst on deployment in Scotland in 2025.

24. The Appropriate Authority said that if the allegations were found proved the conduct would engage the Standards of Professional Conduct in respect of

- Authority, Respect and Courtesy
- Equality and Diversity
- Discreditable Conduct

25. The Standards of Professional Behaviour are all set out in Schedule 2 of the Police (Conduct) Regulations 2020, as amended, which states as follows:

- **Authority, Respect and Courtesy**

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

Police officer 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..

26. The Appropriate Authority's position was that if the allegations were proved, the conduct, both individually and collectively, was so serious as to amount to gross misconduct.

F. The Officer's position

27. The Officer was interviewed on 27th January 2025. He submitted a prepared statement, and clarified a number of issues, but essentially answered ‘no comment’ to the questions that were asked of him.
28. On 10th April 2026 the Officer submitted a Regulation 31 Response. This was substantially in the terms of his earlier prepared statement, with the addition of supplementary background information. Specific details of his position are given in the record of factual findings below.
29. Immediately prior to the hearing the Officer’s position was that although some of the conduct was accepted, he had not breached any of the Standards of Professional Conduct and his conduct did not amount to misconduct or gross misconduct.
30. At the commencement of the hearing Counsel for the Officer confirmed that he accepted his conduct in full in relation to Allegation 3 and Allegation 8, and that the Standards specified were engaged. However, he maintained that this conduct amounted only to misconduct.
31. Accordingly, the Panel was required to make factual findings in respect of each allegation, conclude whether the Standards of Professional Behaviour had been breached and determine whether any proven conduct amounted to misconduct or gross misconduct.

G. Evidence considered

32. During the course of the hearing the Panel considered the whole bundle of written evidence presented in this case, all of which had been read in advance of the hearing. This included statements from eight police officers, and copies of WhatsApp messages sent by witnesses in 2021 and 2025.
33. The Appropriate Authority provided a comprehensive Opening Note, which was served in advance of the hearing, and opened the case in full during the hearing.

34. Six of the witnesses gave live evidence in the course of the hearing, five in person and one by live link. All were cross-examined and answered additional questions from the Panel. An assessment of each witness appears in this report with the summary of their evidence for each allegation in the Findings section.
35. The Officer gave evidence on his own behalf and was cross-examined and answered additional questions from the Panel.

H. Approach to decision making

36. These proceedings were held to determine whether the Officer's conduct breached any Standards of Professional Behaviour, whether such conduct amounted to misconduct, gross misconduct or indeed neither, and whether disciplinary action should be imposed. The approach taken by the panel was to:

- (i) Firstly, ascertain the facts, for each allegation in turn, bearing in mind what was and what was not in dispute.
- (ii) Determine, on the basis of those facts, whether any Standards of Professional Behaviour had been breached
- (iii) Then to decide whether any breaches as found amounted to Misconduct, Gross Misconduct or indeed neither.
- (iv) As appropriate, to decide what the outcome should be.

I. Burden and Standard of Proof

37. In making decisions the Panel was mindful of the fact that the burden of proving the case was on the Appropriate Authority.
38. The standard of proof applied by the Panel was the balance of probabilities, the civil standard. 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 balance of probabilities is a single unvarying standard. The Panel understood that the seriousness of the allegations and/or the seriousness of the consequences for the Officer do not require a different standard of proof, merely careful consideration by the Panel before it is satisfied of the matters which have to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred. (as per section 9.10 Home Office Guidance)

J Ancillary points

39. The LQA gave the Panel a Good Character direction in respect of the Officer, who had no previous findings of guilt recorded against him. The Panel took this into account when considering both his credibility and propensity.
40. The Panel was reminded that the conduct which led to the Reflective Practice did not constitute a finding that the Officer has breached any Standard of Professional Behaviour. Its significance related chiefly to its timing and potential effect on the Officer.
41. The Panel noted that the Officer adopted his Regulation 31 Response as his evidence in chief but then introduced further information during the hearing which had not previously been disclosed, either at the interview stage or in his Regulation 31 Response. Advice was given by the LQA concerning the potential to draw an inference under Regulation 41. The Panel approached this additional evidence with caution. Where an inference was drawn, this is noted under the findings for each individual allegation.
42. The panel noted that in relation to allegation four PC PINKER stated that she was present at the incident, but PC PATEMAN and the officer did not recall this. The Panel did not rely on her evidence concerning this allegation, but took the view that this did impact upon her wider credibility as a witness

K First Stage Findings

43. Having considered all the available evidence, the panel concluded the following in relation to each paragraph of the Regulation 30 notice:

1. *In June 2021 you were deployed to Cornwall as part of a mutual aid operation to assist with policing for the G7 summit. You were the team leader for a team of Licensed Search Officers (“LSOS”).*

This is agreed background information. PC Timmis was one of the officers deployed to the Officer’s team.

Allegation 1.

2. *In the course of the deployment in Cornwall, you were in a bar in Newquay with members of the LSO team. At one point in the bar you were sat down with PC Timmis stood next to you. PC Timmins was a junior female member of the LSO team. You placed you right arm around PC Timmis’ waist and your right hand on her right hip.*
3. *This physical contact was overly familiar and was inappropriate in the circumstances. It is alleged that it was in breach of the Standards of Professional Behaviour relating to (i) Authority, Respect and Courtesy, (ii) Discreditable Conduct, and (iii) Equality and Diversity, in being inappropriate and overly physical contact with a junior female colleague.*

44. The panel reviewed the statement of PC Timmis and heard live evidence from her during the course of the hearing. The panel found her to be a credible and straightforward witness who was clear of her recollection of events.
45. PC Timmis confirmed that she was deployed in the capacity of a trained LSO to the G7 summit to provide mutual aid to Devon and Cornwall Police. She stated that the Officer was also deployed as one of two supervisors for the LSOs.
46. PC Timmis stated that prior to the deployment she had never met or worked with the Officer and this was the first occasion where she had been deployed on mutual aid to another police force
47. PC Timmis stated at the conclusion of their duties on the first day the LSO team went to a bar and she was trying to find somewhere suitable for then to eat that evening. She found somewhere on her phone and went over to the Officer to show him.

48. PC Timmis stated that the Officer was sitting with his back was to the bar. She said she stood next to him, and he then placed his right arm behind her waist and put his right hand on her right hip. She estimated that this contact lasted for a matter of seconds.
49. PC Timmis stated that the Officer's actions made her feel uncomfortable and shocked; she had never met him before, and his behaviour was over familiar. She would only expect that kind of tactile behaviour from someone she knew very well, such as a family member.
50. She stated that whilst the incident happened in 2021 it remained in her mind. She had not challenged it at the time as she was in shock and wanted to be sure that she had not misread the situation.
51. In response to questions from the Panel PC Timmis categorically confirmed the incident had taken place, and she was not mistaken in her recollection. She was clear that the Officer's actions had not been accidental.
52. PC Timmis outlined how that from that point she decided to keep as much distance from the Officer as possible as she did not wish to have any other unwanted contact. During the remainder of the deployment she found the officer's sense of humour to be crude and tasteless, and felt that he would come into her personal space unnecessarily.
53. During the course of the deployment PC Timmis sent a number of messages to her boyfriend on WhatsApp and detailed how the Officer made her feel at that time. Exhibit ALT/002 refers. She confirmed that she did not send a specific message about the incident but stated that in all likelihood she would have told him in a phone conversation.
54. PC Timmis stated that although she had not reported this incident at the time nor made any written records, when she became aware of the wider investigation into the Officer, she felt it was relevant and reported it accordingly.
55. The Panel noted that in the WhatsApp messages sent by PC Timmis she described the Officer as a 'gross lechery perv', 'a massive douche' and 'creepy to all the girls!'. The

Panel took these to be an expression of her personal thoughts of how she felt about the Officer during the course of the deployment.

Account of the officer

56. The Panel reviewed the interview of the officer and his Regulation 31 response in which he said this allegation was ‘absolutely not true, I did not do this. At no stage was there any physical contact between, me and PC Timmis’.
57. The Officer stated the only reason he could consider why PC Timmis would make up the allegation was he had a friend that she did not get on with, but he could not say whether this did have an impact.

Panel finding of facts

58. The Panel preferred the account of PC Timmis and could find no reason why she would make up the incident. She was consistent throughout her evidence and the on her was such that she still clearly remembered it four years later. The Panel also noted that PC Timmis had not looked to exaggerate the nature of the incident, and confirmed it had only taken place over a matter of seconds. The explanation of why she came forward four years later was credible and convincing.
59. Whilst the messages PC Timmis sent to her partner did not specify the relevant conduct, they provided consistent context about the way the Officer made her feel during the deployment.
60. The Panel found Allegation 1 to be factually proven and considered the conduct was overly familiar and inappropriate in the circumstances.

61. Standards of Professional Behaviour

- **Authority, Respect and Courtesy** – This Standard is breached. PC Timmis and the Officer had not met before this deployment, and he could not have reasonably believed that a junior female officer would consent to him putting his hand around her

waist in such circumstances. His actions failed to respect personal and professional boundaries.

- **Equality and Diversity** – This Standard is breached. As a supervisor the Officer failed to create an inclusive environment and discriminated against PC Timmis on account of her gender.
- **Discreditable Conduct** – This Standard is breached. If the public were aware of this conduct by a supervisor, they would be rightly concerned about standards in policing, and this would likely impact on trust and confidence in the police service.

62. The remaining allegations arose from a deployment in July 2025, the background of which was set out in the Regulation 30 Notice as follows:

July 2025

4. *In July 2025 you were deployed to Scotland as part of a mutual aid operation to assist with policing for the visit of the President of the United States. You were the team leader for a team of 14 LSOs from Thames Valley Police. The team met on the morning of 26 July 2025 before travelling by minibus to Scotland.*
5. *It is alleged that during the course of your deployment, you made various comments to colleagues which were inappropriate and unprofessional, and which breached the Standards of Professional Behaviour, as set out below.*

Allegation 2

6. *In response to PC Lee saying that she was going to have a nap during the journey to Scotland, you said words to the effect of “It’s funny the things you don’t like as a child that you come to love as an adult...naps, spanking”.*
7. *This comment was unprofessional and inappropriately sexualized. It was a breach of the Standard of Professional Behaviour relating to Discreditable Conduct.*

63. The Panel reviewed the statement of PC Lee and heard live evidence from her during the hearing. She was found to be a credible and straightforward witness who was in the main clear of her recollection of events. The panel noted that PC Lee gave an inconsistent account on whether there had been a broader conversation concerning having naps, but this did not detract from her core evidence.
64. PC Lee confirmed she was deployed as a LSO as part of a team deployed to Scotland. During the journey to Scotland she and others were in same minibus as the Officer. She confirmed that the Officer sat in the front passenger seat of the vehicle and she was in one of the rear seats.
65. PC Lee confirmed she had not previously met the Officer and not been deployed on mutual aid before.
66. PC Lee stated during the long journey she announced to her fellow officers that she was going to take a 'nap'. In response to this the Officer responded with words to the effect of 'It's funny the things you don't like as a child that you come to love as an adult, naps... spanking'.
67. PC Lee stated that she thought it was a strange and inappropriate comment to make but had never met the Officer before and did not know if it was usual behaviour for him. PC Lee stated that two days later after further information came to light, she jotted down the words the Officer had said in the notes section of her phone as she thought they might be helpful. Exhibit SJL/1 refers.
68. PC Lee confirmed that during the deployment she had spoken to PC Pateman and PC Pinker about the comment and how it had made her feel uncomfortable.
69. The Panel reviewed the statement of PC Palmer and heard live evidence from her during the hearing. She was found to be a credible and straight forward witness who was clear of her recollection of events.

70. She confirmed that she had also been in the police van that travelled to Scotland with other colleagues and the Officer. PC Palmer confirmed the deployment was the first time she had been on mutual aid.
71. PC Palmer confirmed that she heard the Officer say the comment about spanking. As she had never met the officer before she initially she thought she may have misinterpreted something. She stated however, the context of the Officer's comment became more relevant when she heard another comment he later made and she then reflected that it was unprofessional and inappropriate in the setting in which it was made.
72. PC Palmer stated she could not recall any wider conversation about having naps amongst colleagues whilst they were on the journey.
73. The Panel reviewed the statement of PC Harrop and heard live evidence from him during the hearing. The Panel found him to be a credible and straight forward witness who was clear of his recollection of all relevant events.
74. PC Harrop confirmed that he had also been in the police van that travelled to Scotland with other colleagues and the Officer.
75. During the journey he heard one of the officers say that she was going to have a nap and the Officer replied, 'It's interesting as an adult how you start to like things you hated as a child like naps and being spanked'.

Account of the officer

76. The Panel reviewed the interview of the Officer and his Regulation 31 response and noted the following:
77. The Officer confirmed that during the journey to Scotland one of the officers on the minibus had said she enjoyed having an afternoon nap. He stated that he did as well and added something like, 'it's like the joke about being an adult you enjoy the things you hated as a kid, naps and being spanked'. The Officer stated that it was a joke that he heard in public arenas and was also used on clothing which was for sale on popular retail sites.

78. The Officer stated that he was trying to be light-hearted, and he did not mean to offend anyone, and he apologised if he had done so. The Officer denied that he had breached the Standards as alleged

Panel finding of facts

79. The Panel found the allegation factually proven. The spanking element of the comment was unprofessional and unnecessarily introduced a sexual element into a workplace conversation. The comment was not appropriate for a supervisor to say in all the circumstances.

80. Standards of Professional Behaviour

- **Discreditable Conduct** – The proven conduct amounted to a breach of this Standard. If members of the public were aware that a police officer and supervisor, was making jokes in front of colleagues that had a sexual undertone they would be rightly concerned about standards in policing, and it would likely impact trust and confidence in the service.

81. Allegation Three on the Regulation 30 Notice was in these terms:

Allegation 3

8. *After arriving in Scotland later on 26 July, you gave a briefing to the LSO team in a car park at Tulliallan Police College. You said words to the effect of “I know what police officers are like when you’re away from home. What goes on tour stays on tour, you’re all consenting adults and what you do is up to you, but I don’t want to know about it, but if I do find out about things you’ll be dealt with for it”. The reasonable interpretation was that you were condoning officers cheating on their partners.*
9. *This comment was not appropriate, in the context of a formal briefing when officers were representing Thames Valley Police and were expected to set and*

maintain high standards of behaviour. It was in breach of the Standard of Professional Behaviour relating to Discreditable Conduct.

82. The Panel reviewed the statement of PC Harrop and heard live evidence from him during the hearing. He confirmed that the LSO team had attended Police Scotland's training centre where they received a formal briefing for the deployment by the event organisers. He stated after the formal briefing the Officer gathered together the TVP LSOs as he wanted to brief them on his expectations whilst they were away from their home Force. He stated it was an informal briefing, and it lasted only a few minutes.
83. PC Harrop stated that during the informal briefing the Officer made comments similar to: 'I know what police officers are like when you are away from home. What goes on tour stays on tour, you are all consenting adults and what you want to get up to is up to you, but I don't want to know about it, but if I do find out about things you will be dealt with for it'.
84. PC Harrop stated that he felt it was inappropriate for a supervisor to brief his team on mutual aid in this way and he was in essence giving his permission for officers to cheat on their partners while they were away and this had no operational relevance to the deployment.
85. The Panel reviewed the statement of PC Pateman and heard live evidence from him during the hearing via a video link. The Panel found him to be a credible and straight forward witness who was clear of his recollection of all relevant events.
86. PC Pateman confirmed that he was present when the Officer delivered the informal briefing. He said the Officer talked about 'what happens on tour stays on tour; he said if people were going to sleep with each other then it is fine but don't cause any issues because if issues get back to him then people would be dealt with'.
87. PC Pateman stated that when he mentioned about people sleeping together, he was stunned and surprised and he ended up laughing out loud due to feeling awkward about what had just been said. He could see the faces of the team and thought they appeared to be confused and surprised by the comments.

88. The Panel reviewed the statement of PC Pinker and heard live evidence from her during the hearing. She was a credible and straight forward witness who was clear of her recollection of events.
89. PC Pinker confirmed that she was present when the Officer delivered the informal briefing. She recalled the Officer said ‘right, your briefing. What happens on tour stays on tour. You can all sleep with each other. I don’t need to know about it, however, if I do find out about it, I won’t help you’.
90. PC Pinker had only met the Officer six hours before and also only met half of her colleagues before and she felt the briefing was inappropriate.

Account of the Officer

91. The Panel reviewed the interview of the Officer and his Regulation 31 Response and noted the following:
92. He confirmed that he had given a briefing to his team at the start of the deployment, stating that what they got up to was their responsibility and not his as long as they acted properly. He stated that on previous deployments there had been pranks that had taken place and his intent was to get the officers to think about their actions whatever they may be.
93. The Officer denied making any reference to having affairs and he did not give permission for officers to cheat on their partners. He denied that he had breached the Standards of Professional Behaviour.
94. The Officer accepted however that the briefing he gave was inappropriate and his use of language was ill considered and was taken the wrong way by his colleagues. He stated that he would in the future deliver the briefing differently. He accepted this conduct amounted to misconduct and the breach of the alleged Standards.

Panel finding of facts

95. In the light of the admission and corroborative evidence the Panel found this allegation proven. The delivery of the briefing was inappropriate.

96. Standards of Professional Behaviour

Discreditable Conduct – The conduct of the Officer amounted to a breach of this standard. If members of the public were aware that a police officer and supervisor, was briefing junior officers in this manner at the outset of a police operation they would be rightly concerned about standards in policing, and it would likely impact trust and confidence in the service

97. Allegation four on the Regulation 30 Notice was in these terms:

Allegation 4

10. Later on 26 July, during a stop in Forfar, you were attempting to replace part of a cupholder in a minibus. PC Pateman told you the holder needed to be lined up with the holes. You responded with a comment to the effect of “Just put it in any old hole you know”. It is alleged that PC Pateman was openly gay.

11. This comment was unprofessional and inappropriately sexualized. It was in breach of the Standard of Professional Behaviour relating to Discreditable Conduct.

12. It is further alleged that in directing such a comment towards a junior officer whom you knew to be gay, you also acted in breach of the Standards of Professional Behaviour relating to Authority, Respect and Courtesy and Equality and Diversity

98. PC Pateman stated that on Saturday 27th July 2025 at approximately 21-00 hours (note this is believed to be 26th July), he was sat in the driver’s seat of his vehicle at a fuel station when the Officer came over to speak to him through the driver’s window. He

describes at the time; he believed PC Lee was emptying rubbish out of the van and PC Pinker had gone to pay for the fuel.

99. PC Pateman said whilst the Officer was talking to him, he reached in and started to fiddle with a cup holder on the dashboard, and it subsequently popped out of the insert it was in. He stated the Officer then attempted to replace the cup holder, and PC Pateman told him he needed to line the insert up with the holes. PC Pateman described that in response to this the Officer smiled and said something along the lines of 'just put it in any hole'.
100. PC Pateman said other colleagues then returned and he was a little confused and thrown by the comment the Officer had made as he felt it was referring to something sexual. During the hearing PC Pateman stated he concluded that the comment was sexual not only because of the words but because of the way they were delivered and because the Officer was smiling at him.
101. PC Pateman did not recall that PC Pinker was present when the words were spoken.
102. PC Pateman confirmed during the hearing that he had not specifically told the Officer he was gay but stated he presented as an openly gay man and assumed the Officer was aware.
103. The Panel reviewed the statement of PC Pinker and heard live evidence from her during the hearing about this matter. She accepted that her statement could have been clearer concerning where exactly she was when the comment was made. The Panel noted that both PC Pateman and the Officer stated that she was not present when the alleged incident occurred.
104. PC Pinker recalled that she was present at the fuel station when the incident alleged by PC Pateman occurred. She said she had fuelled the van they were travelling in and made payment for this, before returning to the van where she saw the Officer talking to PC Pateman. She recalled the Officer standing outside the van and talking to PC Pateman through the open driver's window.
105. PC Pinker confirmed the cupholder had been removed from the dashboard next to the drivers steering wheel. She could not remember the exact words used by the Officer but clearly heard him say something about filling holes. She was shocked by the comment and interpreted it as sexual. During the hearing she stated that she had not taken things

out of context and she had been back in the van for around a minute before the comment was made. PC Pinker confirmed that she had not challenged the comment.

106. PC Pinker described that throughout the mutual aid deployment the Officer was continually making sexual comments or using innuendo. She stated that she did not come to work to have sexual comments made to her or others and did not expect them to come from senior officers.

Account of the Officer

107. The Panel reviewed the interview of the officer and his Regulation 31 response and noted the following:

108. The Officer stated that PC Pinker was not present when he spoke to PC Pateman, and it was his recollection that the incident had occurred at a supermarket where fuel was not available.

109. The Officer's account was that he had walked over to speak with PC Pateman, had removed the cup holder and then took about twenty seconds to get it back in. Whilst he was attempting to get the holder back in, he was telling PC Pateman to put it any hole, and he would fix it later. The Officer stated that he did not finish his sentence as he managed to reinsert the cupholder correctly. He agreed that he smiled whilst telling PC Pateman to put the cup holder in any hole but denied any innuendo.

110. The Officer denied that there was any sexual reference in the conversation and stated that he was unaware that PC Pateman was gay.

Panel finding of facts

111. As neither PC Pateman nor the Officer thought that PC Pinker was present at the relevant time, the Panel focused on the account of PC Pateman only in reaching a finding of fact.

112. There was consensus about the conversation, the removal of the cup holder and the attempts to place it back. PC Pateman did not recall the Officer saying he would fix the cupholder later when he said the words concerning putting it in any hole.

113. PC Pateman was clear that when the comment was made the Officer was smiling and had a certain tone to his delivery. He stated the comment was out of keeping with the situation and he was thrown by it and concluded he was referring to something sexual.

114. The Panel preferred the evidence of PC Pateman and concluded that the comment made by the Officer was inappropriately sexualised. There was no obvious reason why PC Pateman would misread the situation. The words used were not in keeping with the situation and there was no requirement to say, 'put it in any hole'. Accordingly, the Panel found this element of the allegation to be proven and that the comment was both unprofessional and inappropriately sexualised.

115. In relation to whether the Officer knew that PC Pateman was gay, the Panel preferred the account of PC Pateman. Although PC Pateman had not told the Officer this, he stated that he was openly gay and presented as such. The Panel also noted that two of them had worked together on deployments before and had spent time in each other's company. The Panel findings concerning allegation five are also relevant to this point. The Officer was taken to have been aware of PC Pateman's sexuality. It was the inescapable conclusion of the Panel that the comment was made precisely because of this knowledge.

116. In summary, the Panel found the allegation proven; the Officer had used an inappropriate sexualised term and did so aware that PC Pateman was gay.

117. Standards of Professional Behaviour

Authority, Respect and Courtesy – The proven conduct amounted to a breach of this standard. The Officer made the comment whilst on duty as a supervisor in the presence of a junior colleague. Accordingly, he had a responsibility to create a positive and inclusive culture for his colleague. It is clear that PC Pateman found the comment to be unprofessional and inappropriate. Accordingly, the Officer failed to treat him with respect and courtesy.

Equality and Diversity – This Standard is also breached. The comment was inappropriately sexual and was directed to PC Pateman because of his sexuality.

Discreditable Conduct – This Standard was breached. If members of the public were aware of all the facts here they would be rightly concerned about standards in policing, and it would likely impact trust and confidence in the service.

118. Allegation five relates to a the time when officers were operationally deployed in a public place at a vehicle and person check point. It appears in the Regulation 30 Notice in these terms:

Allegation 5

13. On the afternoon of 27 July, your attention was drawn to a metal screw protruding from the ground, which had the potential to damager vehicles. You said words to the effect of “It’s okay, I will just get a little homo to sit on it”. The comment was challenged by PC Pateman, in response to which you said words to the effect of “Oh, don’t worry, I didn’t mean you.”

14. This comment was unprofessional and inappropriately sexualized. It was in breach of the Standards of Professional Behaviour relating to Discreditable Conduct.

15. It is further alleged that is directing such a comment towards a junior officer whom you knew to be gay, you also acted in breach of the Standards of Professional Behaviour relating to Authority, Respect and Courtesy and Equality and Diversity.

119. The Panel reviewed the statement of PC Pateman in this respect and heard live evidence during the hearing. He described that on 27th July 2025, he was deployed operationally with other TVP LSOs to search vehicles that were coming onto a site. At approximately 18-00 hours he was with the Officer, PC Pinker, PC Palmer and PC Harrop, when an unidentified officer who was running the site came up to them and asked whether they had a socket set. The unidentified officer pointed out a bolt that was visibly sticking out of some metal flooring that cars would drive across and potentially could damage a tyre.

120. PC Pateman said that the Officer went to look at the bolt, which was approximately three car lengths away from where they were sitting. He described how the Officer

looked over towards the group and said ‘We just need a short homo to come and sit on it’. PC Pateman stated he clearly heard what was said and was immediately shocked and taken aback by it. He responded by saying to the Officer ‘you cannot say that’. The Officer replied, ‘I was not meaning you, Ben’.

121. PC Pateman recalled that PC Palmer said to him and PC Pinker ‘did I hear him right – that is not ok’. PC Pateman also recalled that PC Harrop challenged the Officer, saying ‘you can’t say that’.

122. PC Pateman said he assumed the Officer knew he was gay, due to the way he presented as a gay man, and this comment regarding homosexuality had made him view the Officer in a completely different way.

123. PC Pateman stated that when the comment was made the LSO team was working with around 30-40 other people, including officers from other forces and rank, the Army, G4S security and potentially other external agencies.

124. The Panel reviewed the statement of PC Palmer and heard her live evidence on this matter. She confirmed that she was present when the alleged comment was made. She stated that the Officer had gone to look at the bolt which had been brought to their attention and she heard him say something to the effect of, ‘I’ll try and find a homo (or hobo) to come and sit on it’.

125. PC Palmer stated in response to the comment PC Pateman said ‘You cannot say stuff like that’ and she described how the group looked awkwardly at each other and appeared visibly shocked and taken aback.

126. PC Palmer stated that she had her back to the Officer when he made the comment and was not 100% sure if she heard the term ‘homo’ or hobo’, so she immediately sought clarity from the group, and they confirmed the Officer had said ‘homo’. She assumed he meant a homosexual and she did not feel the comment was appropriate, required or necessary.

127. During the hearing PC Palmer categorically stated that the Officer had not said anything about a POLSA, and he had either said ‘homo’ or ‘hobo’. She categorically stated that the Officer had not used the word POLSA.

128. PC Palmer confirmed that the comment was made not only in front of TVP officers, but also other forces and the military.
129. The Panel reviewed the statement of PC Harrop and heard live evidence from him about this matter during the hearing. He confirmed that he had also been present when the Officer said the alleged comment.
130. PC Harrop confirmed that the Officer had gone to inspect the bolt which had been identified to them. He stated he had a clear unobstructed view, it was quiet and the Officer was approximately seven metres away from him. He stated he heard the Officer say to PC Pateman 'it's ok I will just get a little homo to sit on it'. PC Harrop stated he was shocked by the comment, and it had come out of nowhere. He said to the Officer 'excuse me what did you just say'. He stated he believed that PC Pateman may also have challenged the comment at the same time. PC Harrop was categorical that the Officer had not used the word 'POLSA'.
131. PC Harrop stated the Officer responded to PC Pateman 'Oh don't worry I did not mean you'. He stated that he felt the comment had been directed at PC Pateman as the Officer had been speaking to him directly before and was a response to his challenge.
132. PC Harrop stated the situation was awkward for a few minutes, and the Officer went off to another zone. PC Harrop stated he said to PC Pateman that he could not believe what the Officer had said.
133. The Panel reviewed the statement of PC Pinker and heard live evidence from her about this matter during the hearing. She confirmed that she had also been present when the officer said the alleged comment. She described how the Officer went to look at the bolt and shouted back to PC Pateman 'we just need to find a homo to sit on this'. She stated that the Officer was approximately 10 to 15 metres away from them and he had shouted back to PC Pateman. She said there were approximately 40 to 50 other people present from other police forces, the military and different agencies, all potentially within earshot.
134. PC Pinker was categorical that the Officer had not said anything about needing to find a POLSA.

135.PC Pinker stated that when PC Pateman challenged him the Officer laughed. She stated that she believed the term ‘homo’ to be a derogatory term used to refer to homosexual people. She stated that she was shocked and disgusted that her Sergeant would use such terminology especially given the context; he was representing the Force, and lots of people were around.

136.PC Pinker stated that she contacted another colleague who was deployed elsewhere in Scotland and told him she was outraged and disgusted by the homophobic language which had been used.

Account of the officer

137.The Panel reviewed the interview of the officer and his Regulation 31 Response and noted the following:

138.The Officer confirmed that attention had been drawn to the bolt and he had examined it and had decided that a tool was required to fix it and therefore the matter needed to be reported up the chain of command. He stated that he walked back to PC Pateman and PC Pinker and told them what the problem was and how it needed to be fixed. The Officer stated that he may have said, ‘I don’t mean you’ to them, indicating he did not expect them to fix it. He stated that he then told them to ensure any new drivers entering the area were advised of the issue and he then walked to the briefing tent to advise them of the issue.

139.The Officer stated it was his recollection that PC Palmer and PC Harrop were not there when the conversation took place as they were deployed at a different part of the operation.

140.The Officer stated that he did not use the term, ‘homo’ and did not say that a person should sit on it. He stated he was shocked at the allegation. He further stated that he did not say to PC Pateman ‘oh don’t worry I didn’t mean you’ and in fact he was unaware that PC Pateman was gay.

141.The Officer stated that he had said to his colleagues that they needed to get a ‘POLSA’ to sort the issue out.

142. The Panel noted that during the hearing the Officer introduced for the first time that shortly before the alleged incident he had given PC Pateman and PC Pinker a 'yellow card' in relation to what he assumed was them laughing at his physique. The Panel concluded this disclosure was an attempt to discredit the evidence of PC Pateman and in the circumstances that existed at the time of his interview and his formal Regulation 31 response he could reasonably have been expected to mention this. The Panel did draw an inference under Regulation 41 (12 a-b); however, due to the weight of evidence concerning this allegation, it was in no way determinative of the Panel finding on this allegation.

143. The Officer denied that he had breached the Standards of Professional Behaviour.

Panel finding of facts

144. The Panel concluded the following findings of fact:

145. There was a consensus that during the deployment to Scotland the Officer and colleagues were engaged on operational duties in a public area. During these duties, they were alerted to a potential hazard to motorists, in the form of a bolt which was sticking up in a temporary piece of metal flooring and the Officer went to investigate the issue.

146. The Panel preferred the accounts of PCs Pateman, Palmer, Pinker and Harrop, all of whom were present and consistently confirmed they had heard the Officer say the derogatory 'homo' comment. Accordingly, the panel found this element of the allegation was proven.

147. The Panel also preferred the accounts of those officers who consistently confirmed that the PC Pateman had challenged the Officer about his comment. The Panel found that the Officer was challenged, and he responded directly to PC Pateman with 'oh don't worry I didn't mean you'. In this respect the Panel concluded the logical conclusion was that the Officer was referring to PC Pateman's sexuality, knowing or assuming that he was gay.

Authority, Respect and Courtesy – This Standard was breached. The Officer made the comment whilst on duty as a supervisor in the presence of junior colleagues, most of whom he had only recently met. Accordingly, he had a responsibility to create a positive and inclusive culture for his colleagues. It is clear that junior colleagues were shocked, taken aback, disgusted, felt awkward and considered the comment he made to be inappropriate and derogatory. Furthermore, it was clear that PC Pateman as a gay officer was directly impacted by the comment which negatively changed how he thought about his supervisory officer. The Panel noted that PC Pateman stated that sadly during his police career he had occasionally been the subject of homophobic comments by members of the public, but until that point, he had been welcomed in TVP and had never experienced any such comments from colleagues. Accordingly, the Officer failed to treat his colleagues and specifically PC Pateman with dignity, respect and courtesy.

Equality and Diversity – This Standard was breached. The panel found the use of the words by the officer as a supervisor left his colleagues with a view that his conduct was unprofessional and inappropriate. The Panel also noted that PC Pateman's protected characteristic of sexuality was directly negatively impacted by the officer's homophobic comment. The Panel concluded that the incident, taking place in front of other colleagues, must have been very uncomfortable and undermining for him.

Discreditable Conduct – This Standard was also breached. If members of the public were aware that a police officer and supervisor, was making homophobic jokes with a sexual undertone in front of colleagues they would be rightly concerned about standards in policing, and it would likely significantly impact trust and confidence in the service. The comments were made within the hearing of colleagues from other police forces, the military and partner agencies and at a time when the Officer should have been portraying a positive image of TVP he was making homophobic remarks.

149. Allegation six appears in the Regulation 30 Notice in these terms:

Allegation 6

16. Later on 27 July, you came and sat next to PC Pinker. You opened a pack of Cadbury chocolate fingers, leant in, and said words to the effect of ‘Who fancies a finger?’ to her.

17. This comment was unprofessional and inappropriately sexualized. It was in breach of the Standard of Professional Behaviour relating to Discreditable Conduct.

18. It is further alleged that in directing such a comment towards a junior female officer, you also acted in breach of the Standards of Professional Behaviour relating to Authority, Respect and Courtesy and Equality and Diversity.

150. The Panel reviewed the statement and live evidence of PC PINKER with regard to this allegation. She said that on 27th July 2025, she was deployed to undertake search related duties and was sitting with PC Harrop at an area containing scanning equipment. She stated that the Officer came over to her and sat down next to her, holding a packet of Cadbury’s chocolate fingers which he had just opened.

151. PC Pinker described how the Officer leant into her and said the word ‘finger’ as a question and had a smug look on his face and raised his eyebrow. She stated that she believed him to be referring to digital penetration and not the chocolate snack which was in his hand.

152. PC Pinker stated that she was disgusted at the sexual comment which had been made and that she did not expect to come to work and have inappropriate sexualised comments made to her by a senior officer.

153. During the hearing PC Pinker stated that the incident did not occur in the context of walking back to the accommodation with colleagues.

154.PC Harrop stated that he was present at the incident concerning the ‘finger comment’.

He outlined that the Officer was going through his welfare pack and produced a small packet of chocolate fingers and then said to both PC Pinker and him, ‘oh who fancies a finger then’. PC Harrop said the tone of the Officer’s voice, his body language and his look was such that he concluded he had made the genuine offer of a chocolate biscuit into a sexual innuendo.

155.In his live evidence PC Harrop confirmed that he was sitting with PC Pinker and the Officer when the incident happened and considered that the comment had been directed to PC Pinker. PC Harrop also confirmed the incident had not occurred when they were walking back to the accommodation block, and they had been sitting down.

156.In response to a question from the Panel PC Harrop confirmed his understating that the comment was directed specifically to PC Pinker.

Account of the officer

157.The Panel reviewed the interview of the Officer and his Regulation 31 Response and noted the following:

158.The Officer confirmed that as part of his welfare pack he had been given a snack pack of Cadbury’s chocolate fingers. He stated that he decided to start to eat the contents of the pack and one of the male officers asked him if he was eating early and he responded that he was and he offered him one using the words, ‘would you like a finger’.

159.The Officer stated that this was a genuine offer of food and the colleague responded by saying ‘you only get a few fingers in a bag’ and a conversation followed concerning shrinkflation. The Officer denied that the comment had been delivered in a sexualised way, or towards PC Pinker.

160.During the hearing the Officer stated that the incident occurred whilst walking back to the accommodation block and not sat down as alleged by PC Pinker and PC Harrop.

Panel finding of facts

161. The Panel found there was consensus that the officer was eating a bag of chocolate fingers and he had offered colleagues one; the crux of the allegation centered on the context, how and to whom the offer had been made.

162. The Panel preferred the evidence of PC PINKER and PC HARROP, who were clearer on the context of the incident.

163. The Panel noted that it was a normal act for an officer to offer food to fellow colleagues but preferred the accounts of PC Pinker and PC Harrop about the nature of the offer. The Panel concluded that the Officer made the offer to PC Pinker and was making a sexual reference to the biscuit being a finger, with the associated sexual connotations that could be drawn from this. Accordingly, the Panel found the allegation factually proven.

164. Standards of Professional Behaviour

Authority, Respect and Courtesy – The proven conduct amounted to a breach of this standard. At the time the Officer made the comment, he was on duty as a supervisor in the presence of junior colleagues whom he had only recently met. It is clear that junior colleagues who were present found the comment to be unprofessional and inappropriate. Directing the comment to PC Pinker was a failure to treat her with dignity, respect and courtesy.

Equality and Diversity – The proven conduct amounted to a breach of this Standard. The comment was directed at a junior female officer because of her gender.

Discreditable Conduct – The conduct also amounted to a breach of this Standard. If members of the public were aware that a police officer and supervisor, was making such inappropriate sexualised comments to a junior female officer they would be rightly concerned about standards in policing, and it would likely impact trust and confidence in the service.

165. Allegation seven appears in the Regulation 30 Notice in these terms:

Allegation 7

19. *At another point on 27 July, you were sat with PC Pinker and PC Pateman. You showed them a meme on your phone. The meme image was of a puppet with messed up hair with text saying “when the ruffie hits”. Ruffie is a street name for flunitrazepam, used as a ‘date rape’ drug.*

20. *This comment was in breach of the Standards of Professional Behaviour relating to Discreditable Conduct. You were making a joke about a drug used as a date rape drug. In doing so, you were dismissive of victims of such crimes and conveyed a disrespectful attitude towards female victims of sexual crime.*

166. PC Pinker gave evidence about this incident, both in her statement and in live evidence during the hearing. She said that on 27th July 2025, she was deployed to undertake search related duties and was sitting with PC Pateman in an area containing scanning equipment. The Officer came and sat down next to both of them.

167. PC Pinker stated that the Officer opened his phone and tilted the screen to her and asked her to look at something his friend had sent him. On the screen was a meme of a puppet style creature with messed up hair, with writing below stating ‘when the ruffie hits’. When the Officer showed her the meme it was already open on the screen and she believed therefore that he had looked at it before showing it to her and PC Pateman. The image was a still image, like a photo, and showed the puppet character with messed up hair and the ‘ruffie’ words present at the same time.

168. PC Pinker stated that she was aware that ‘ruffie’ is slang term for flunitrazepam which is used to facilitate serious sexual assault and rape. She considered the meme was making light of the use of the drug to facilitate this type of criminality. PC Pinker stated that PC Pateman told the Officer that he needed to get better friends and that the meme was not appropriate. The Officer stated a police constable colleague had sent it to him.

169. PC Pinker stated that she was outraged that a police Sergeant would find such a meme funny and make light of sexual abuse, and she did not expect to be shown an image referring to sexual abuse by senior managers whilst at work.

170. PC Pinker further added that no prior conversation had taken place with the Officer which might have encouraged him to show her such an image.

171. PC Pateman stated that he was present at the incident when the meme was shown. He confirmed that he was sitting with PC Pinker when the Officer asked them to have a look at what his friend had sent him. PC Pateman described how he looked at the screen and saw a meme which said something about a female. He stated that he did not fully understand what it meant but concluded that it was inappropriate.

172. PC Pateman stated that he said to the Officer he needed to get some different friends and the officer replied, 'Oh, he is a PC or is he an Inspector, oh no he is a PC'. PC Pateman remembered PC Pinker mumbling something and she looked at him and shook her head.

173. During the hearing PC Pateman confirmed he was shown a still image by the Officer, and the image and the words were on the screen at the same time.

Account of the officer

174. The Panel reviewed the interview of the Officer and his Regulation 31 Response and noted the Officer confirmed that he had shown colleagues a meme, but maintained it was not the one he intended to show. He stated that he was a fan of the puppets Bert and Ernie and liked an inoffensive meme of them discussing the end of the world, which was the one that he was looking to share.

175. During the hearing for the first time the Officer stated that he had had received the meme from a police constable colleague. During the hearing he also stated he had only looked at it for approximately half a second.

176. The Officer said that the meme he showed had obviously been altered by a content producer who had used the same format but altered it so the joke is a reference to a date rape drug. He stated that it was not his intention to show this as he did not find it funny, and if it had been brought to his attention at the time he would have shown the correct meme and would have apologised. The Officer stated that it was a genuine error.

177. Significantly, the Officer stated he was not challenged by his colleagues and said they had shown no reaction when he showed them the image. He stated he only became aware it was the wrong meme when he was served misconduct papers.

178. The Officer denied that he had breached the Standards of Professional Behaviour as alleged.

Panel finding of facts

179. The Panel concluded the manner in which he showed colleagues the image meant that the Officer knew exactly what he was showing and its inappropriate nature.

180. The Panel also noted the Officer's account concerning the origin of the image was inconsistent. He only introduced at the hearing that the image had been sent to him by a colleague.

181. The Panel noted that the Officer stated that if it had been brought to his attention at the time it was the wrong meme, he would have apologised and shown colleagues the correct meme. This was at odds with the evidence of PC Pateman's challenge and the assertion that he needed to get some better friends, clearly alluding to the content in the meme. The Panel preferred the accounts of PC Pateman and PC Pinker in respect of the challenge.

182. In summary, the Panel found the account of the Officer to be totally implausible and concluded he would have known the content of the message before showing his colleagues. Further, he would have known that it was offensive and related to the use of a drug with street name 'ruffie' which is used to facilitate criminal sexual offences. The Panel found that his colleagues did react to the message at the time, as per the evidence of PC Pateman and PC Pinker. Accordingly, the Panel found all aspects of this allegation proven.

183. Standards of Professional Behaviour

Discreditable Conduct – The proven conduct amounted to a breach of this standard. If members of the public were aware that a police officer and supervisor, was showing junior colleagues an image making light of the use of a drug to facilitate sexual assault they would be rightly concerned about standards in policing, and it would likely significantly impact trust and confidence in the service.

184. Allegation eight is referenced in the Regulation 30 Notice in these terms:

Allegation 8

21. Whilst in the underground car park of P & J Live when a police van was being loaded, you said to PC Lee words to the effect of “Your back doors are open”, followed by telling her you were referring to the van and not to her bottom.

22. This comment was unprofessional and inappropriately sexualized. It was in breach of the Standard of Professional Behaviour relating to Discreditable Conduct.

23. It is further alleged that in directing such a comment towards a junior female officer, you also acted in breach of the Standards of Professional Behaviour relating to Authority, Respect and Courtesy and Equality and Diversity.

185. The Panel reviewed the statement and live evidence of PC Lee. She stated that during the deployment she recalled being the driver of a transit van and was sitting in the vehicle with her window down in an underground car park. She stated PC Pinker was sitting next to her, and the Officer was outside of the van.

186. PC Lee stated that she asked the Officer to check that the back doors of her vehicle were shut. She stated she could not exactly recall what the Officer said, but he made an inappropriate and sexualised comment in response. She recalled that she shut the window of the van and looked at PC Pinker as if to say why did he say that. She confirmed that she and PC Pinker then had a conversation about what he had said and that it was inappropriate.

187. PC Pinker stated that she was present at the incident when the Officer allegedly made the inappropriate comment about the back doors. She confirmed she was in the van with PC Lee, and the Officer came over and a conversation took place concerning the rear doors of the van. She stated the Officer said, ‘your back doors are open’. PC Pinker could not recall the exact words used by the Officer after that, but he said that he was referring to the van and not her ‘bum’. PC Pinker stated the comment was inappropriate and not needed.

Account of the Officer

188. The Panel reviewed the Officer's interview and his Regulation 31 Response and noted he denied saying any comment relating to PC Lee's bottom. During the hearing in response to a specific question from the Panel, the Officer changed his position and accepted all elements of the allegation and the associated breaches of Standards of Professional Behaviour as alleged.

189. The admission was in line with the evidence given by the witnesses and is accepted on this basis.

Panel finding of facts

190. This allegation is proved in line with the unchallenged evidence and the admission of the officer.

191. Standards of Professional Behaviour

Authority, Respect and Courtesy – The proven conduct amounted to a breach of this Standard. Both The Officer's comments were unprofessional and sexualized, and accordingly, the Officer failed to treat his colleagues with respect and courtesy.

Equality and Diversity – The proven conduct amounted to a breach of this Standard. The Panel considered the sexualised comment with reference to a junior female colleague's bottom was degrading.

Discreditable Conduct – This Standard was also breached. If members of the public were aware that a police officer and supervisor, was making sexualised comments of this nature to a junior female colleague they would rightly be concerned about standards in policing, and it would likely impact trust and confidence in the service.

Assessment of whether the admitted and proven allegations amount to gross misconduct or misconduct

192. The Panel went on to consider under Regulation 41(15) (b) of the 2020 Conduct Regulations whether the conduct as found amounted to misconduct, gross misconduct or neither.

193. The Panel reminded itself that under Regulation 2(1) ‘Misconduct’ means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action, whilst ‘Gross Misconduct’ means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

194. The Appropriate Authority submitted that the conduct found proved overall amounted to gross misconduct. The Officer submitted his admitted conduct amounted to misconduct only. He also submitted that if the denied allegations were found they too would amount to misconduct only.

195. In reaching an assessment on the seriousness of the proven conduct the Panel has considered the College of Policing Guidance on Outcomes (2023) which states consideration should be given to an officer’s culpability, any harm caused, and the existence of any aggravating factors or mitigating factors.

196. This approach taken was that identified by Mr Popplewell J in *Fuglers LLP v SRA* [2014] EWHC 179 (Admin) which is in these terms: *“In assessing seriousness, the most important factors will be (1) the culpability for misconduct in question and (2) the harm caused by the misconduct.....(3) aggravating factorsand mitigating factors.....”*

197. Culpability

This Panel reminded itself that culpability denotes an officer’s blameworthiness or responsibility for their actions. The Panel found the following to be relevant to the assessment of culpability.

- The proven conduct was intentional and deliberate in relation to the Officer’s choice of words in Scotland and his actions of physical touching in Cornwall. (4.10).

- The Panel noted that the Officer held a position of trust as a supervisor but chose to deal with this as an aggravating factor.
- In seven of the proven allegations the Officer's conduct evidenced a pattern of inappropriate sexualised comments said in the presence of or towards junior colleagues (4.40)

The Panel concluded that overall, the Officer's level of culpability for his actions was HIGH.

198. **Harm**

In relation to each of the proven allegations the panel observed the following impact:

- a. Allegation one - PC Timmis stated that she was shocked by the Officer touching her and his failure to recognise both personal and professional boundaries.
- b. Allegation two – the witnesses found the Officer's comments to be unprofessional and inappropriate.
- c. Allegation three – the witnesses described the Officer's comments made them feel stunned and awkward and they were inappropriate and unprofessional.
- d. Allegation four – the witnesses described the Officer's comment to be inappropriate and unprofessional.
- e. Allegation five – the witnesses described the Officer's comments as follows:
 - i. PC Pateman stated that he was shocked and taken aback and this led to him directly challenging the officer
 - ii. PC Palmer stated that the group appeared visibly shocked and taken aback
 - iii. PC Harrop stated that he could not believe what the Officer had said the comment and the situation was awkward after the incident. He also challenged the Officer.
 - iv. PC Pinker stated that she was shocked and disgusted by the derogatory homophobic language and it left her feeling outraged.

- f. Allegation six – PC Pinker stated that she did not expect to come to work and have inappropriate sexualised comments made to her by a senior officer.
- g. Allegation seven – PC Pinker stated that she did not expect to be shown an image making light of sexual abuse by her senior manager at work.
- h. Allegation eight – the witnesses described that they found the comments to be inappropriate.

199. The Panel concluded that the proven allegations, if known by the public, would have an obvious and significant impact on trust and confidence in the police service (4.66). Put clearly, if the public were aware that a police supervisor had engaged in a course of conduct where on seven separate occasions, he had exposed junior officers to inappropriate sexualised language and on another occasion inappropriate touching, they would be rightly concerned, and it would undermine confidence in the police service.

200. The Panel also concluded that at a time of heightened national public and media concern relating to standards in policing and how the police service engages with victims of sexual assault and members of the LGBTQ+ community, the conduct of the Officer in allegations 5 and 7 would further harm the reputation of the police service.

The Panel found the overall level of harm to be HIGH

201. Aggravating factors

In considering aggravating factors the Panel were careful not to double count and found the factors below to be relevant aggravating factors:

- As the Sergeant of the LSO group the Officer was expected to act as a role model and create an inclusive and positive work environment for his colleagues whilst they were deployed representing TVP on a national policing operation. A common theme was that each of the LSO's had not been deployed before on mutual aid away from the Force and they found

themselves in an invidious and difficult position where their Sergeant was acting inappropriately and they were required to report matters. The fact that the Officer was a supervisor was particularly impactful for allegation one, where the junior officer was touched inappropriately by her supervisor.

- The Panel found in relation to the Police Scotland deployment; the conduct of the officer was such that his conduct was repeated and sustained over a number of days and also continued after it had been challenged.
- On his own admission, the Officer had led equality impact assessment work and therefore it should have been clear and obvious that his conduct was improper.
- The conduct of the Officer impacted across the two policing deployments on five separate junior officers.
- Allegation five evidenced homophobic language which particularly aggravated the conduct. This was the first time that PC Pateman had experienced homophobic behaviour towards him by a police colleague.
- The ‘ruffie’ allegation looked to make light of the misuse of drugs to facilitate criminal sexual offences and this was particularly aggravating.
- The Panel found it deeply concerning that the Officer had received Reflective Practice in relation to inappropriate contact with a junior female officer in April 2025. The conduct which followed in July 2025 demonstrated a failure to reflect on and appreciate his role as a supervisor and comprehend the risk to his own position of inappropriate conduct. Whilst the Reflective Practice process was not a conduct finding, it had - as the Officer himself accepted – put him on notice that he needed to improve his interaction with colleagues. The Panel concluded that he should have had a heightened awareness of his behaviour and responsibilities, yet he went on to repeatedly act inappropriately whilst supervising junior colleagues.

- There were multiple proven allegations across three of the Standards of Professional Behaviour.

202.Mitigating factors

The Panel considered carefully all the factors that are detailed in paragraph 4.79 of the College of Policing Guidance on Outcomes. The Panel was careful to remind itself of the difference between mitigating factors and personal mitigation. Mitigating factors are those that could potentially indicate a lower level of culpability.

- The Panel did not agree with submissions on behalf of the Officer that had made open admissions at an early stage. The Officer faced eight allegations and prior to the hearing he admitted one of these allegations, and he subsequently admitted one further allegation at the hearing. Accordingly, the Panel were required to make factual findings on six of the eight allegations
- During the hearing the Officer did accept that he had reflected on elements of his professional conduct and recognised that he needed to improve his approach and do things differently in the future.

Panel Finding.

203.The Officer had entered into a course of conduct where he either failed to respect junior colleagues' personal boundaries or used sexually inappropriate comments in their presence.

204.In relation to allegation five (the homophobic comment) the Panel found this allegation alone amounted to gross misconduct.

205.In relation to allegation seven (the meme) the Panel found this allegation alone amounted to gross misconduct.

206.The other six allegations individually amounted to at least the threshold for misconduct.

207. **The Panel concluded the totality of the proven allegations amounted to gross misconduct.**

L. Second Stage Decision on Outcome

208. In reaching their decision regarding the disciplinary outcome, the Panel gave due consideration to all the evidence and information put before them. The Panel also considered the following:

- The officer's record of service
- The officer's training record
- Six character references
- Submissions made on behalf of the AA concerning outcome and their position on the approach to exceptional circumstances
- Submissions on behalf of the Officer concerning mitigation and the existence of exceptional circumstances in this case
- The nature of the allegations and findings
- The interests of the public
- The interests of Thames Valley Police.

209. In coming to its conclusion as to the appropriate outcome, the Panel had regard to the existing College of Policing Guidance, the HOG and relevant legal authorities. The Panel noted that as the case fell under the amended 2025 regulations and as it had found gross misconduct, this was a case where the statutory presumption was that the Officer would be dismissed unless exceptional circumstances existed.

210. The Panel was aware that at this time there is no amended guidance from the Home Office and College of Policing concerning how Panels should approach the consideration of exceptional circumstances. The Panel was assisted by both Counsel on this issue and were advised by the LQA.

211. In the absence of updated guidance, the Panel adapted the existing established three stage approach in police misconduct proceedings, but adapted the third stage to reflect the 2025 regulations concerning sanction. To this end the following approach was followed:

- a) Assess the seriousness of the misconduct
- b) Keep in mind the purpose of imposing sanctions; and
- c) Determine if there was the existence of any exceptional circumstances in the case and
 - i. If no exceptional circumstances are found put in place the sanction of dismissal without notice
 - ii. If exceptional circumstances are found determine the most appropriate available sanction

Seriousness Assessment

212. The Panel was assisted by the Guidance, which emphasises that there are four elements that the Panel are required to consider when assessing seriousness, namely -culpability, harm, aggravating and mitigating factors.

213. The Panel reassessed the seriousness assessment that it had completed at the ‘**Findings**’ stage. Having undertaken this process the Panel found that their assessment of seriousness remained high.

214. The (current) 2020 Home Office Guidance says that the purpose of misconduct proceedings is to be “fair to the individual who is subject to the process, as well as all parties involved” in order to arrive “at a correct assessment of the matter in question and [provide] public and policing confidence in the system.” The Panel therefore considered carefully the scope for personal mitigation in this case.

215. The Panel reviewed the service record and character references that had been provided:

The Panel noted the following themes from the three PDR’s submitted on behalf of the Officer:

- His work in relation to undertaking Equality Impact Assessments across the Force
- He was considered to have a positive attitude and good work ethic
- Positive contributions in relation retail crime initiatives
- A Positive contribution to the work of the AIU
- Positive work in relation to assisting officers going through the restricted duties process
- His positive contribution whilst on restricted duties during the course of the investigation

216.The Panel noted that six character statements had been submitted by the Officer. These came from colleagues who had worked with him. Across these the panel noted the following themes:

- The witnesses' personal and professional experience was such that they had not witnessed the Officer make any sexist or homophobic comments
- They found him to be supportive in relation to reasonable adjustments in the workplace
- They found him to be approachable and open to constructive challenges
- They found him friendly, approachable and conscientious
- He had assisted other officers going through the restricted duties process

217.The Panel reminded itself that due to the nature and purpose of disciplinary proceedings the weight attributed to this material was necessarily limited, particularly having found ground misconduct. (the Guidance para 6 and *Salter v Chief Constable of Dorset [2012] EWCA Civ 1047 Para 23*). The Panel also took these factors into account when considering whether or not exceptional circumstances existed in this case.

The purpose of imposing sanctions

218.Having assessed seriousness, the panel reminded themselves of the purpose for which sanctions are imposed.

219.The three-fold purpose of sanctions and the police misconduct regime is explained in the Guidance at (2.3):

- Maintaining public confidence in and the reputation of the police service
- Upholding high standards in policing and deterring misconduct
- Protecting the public

220. The panel considered the first two of these to be particularly relevant to the findings of this case.

Availability of outcome upon a Panel finding of Gross Misconduct.

221. As this was a case under the amended 2025 regulations, the Panel reminded itself that Regulation 42, as amended, now provides that when gross misconduct is found the disciplinary action that is available is

- “(i) Dismissal without notice, or
- (ii) if the person or persons conducting the misconduct proceedings are satisfied that there are exceptional circumstances which justify it-
 - (aa) a final written warning, or
 - (bb) reduction in rank”.

In other words, where gross misconduct is found, there is now a presumption in favour of dismissal without notice unless exceptional circumstances are determined by the Panel

223. Following the new statutory presumption of dismissal without notice for gross misconduct it is understood that if an officer is not dismissed after a finding of gross misconduct the Regulation 43 Report should expressly identify the exceptional circumstances justifying their retention as a serving officer.

224. The Panel noted the submissions of the Appropriate Authority and Counsel for the Officer. The Appropriate Authority submitted that no exceptional circumstances were present in this case and therefore the only option open to the Panel was to dismiss without notice. Counsel for the Officer submitted that exceptional circumstances were present in this case and therefore the purpose of the misconduct proceedings could be established by the imposition of a Final Written Warning.

225. The exceptional circumstances advanced on behalf of the Officer were summarised as follows:

- a. He had a particular set of skills which was evidenced through his contribution to AIU and the improvements that he had made in that area
- b. The positive feedback received in his PDR's
- c. The positive character references, which showed he was held in high regard by those who submitted the statements
- d. That he was capable of learning and improving further to the misconduct process
- e. The allegations were out of character, set against his 23- year policing career achievements.

226. The Panel noted that there was no specific advice in place concerning what constituted exceptional circumstances under the amended police misconduct regime. The Panel was given generic advice by the LQA on this issue and considered for exceptional circumstances to be present they would need to be genuinely rare and compelling.

Outcome

227. The Panel concluded that this was not a case where 'exceptional circumstances' were present. That high bar had not been met. Accordingly, the statutory presumption was followed, and the Panel imposed the outcome of dismissal without notice.

228. The Panel now invites the Force to commence the process to place the Officer onto the College of Policing barred list.

Chair of Panel

DCC Paul Mills QPM (Retired)

Date 19/08/2026