

On 16 May 2024 a misconduct hearing was chaired by Mr Harry Ireland, Legally Qualified Chair at Thames Valley Police Headquarters, Kidlington, Oxford to address the behaviour of Former PC 1186 Kate Sherwood.

The former officer faced allegations that she breached the Standards of Professional Behaviour in regard to Honesty and Integrity and Discreditable Conduct in that she had travelled on Chiltern Railways and had purchased a ticket at a discounted rate, claiming to have a railcard which would entitle her to a discount.

During the journey she was asked by a ticket inspector to produce the railcard and was unable to comply with that request because she did not possess one. She evaded payment of the full rail fare by your actions.

Between October 2020 and April 2022 she made similar rail ticket purchases, claiming to have a railcard in order to purchase tickets at discounted rates when she was not entitled to claim the associated discount. She evaded payment of the full rail fare by those actions.

Reasons for Panel Findings

The evidence on behalf of the appropriate authority (AA) was read and no live evidence was called on their behalf.

We heard from the former officer.

In respect of the allegations relating to the events of 10 October 2020, 27 November 2021, and 30 April 2022 the former officer could not recall the journeys specifically. She told us that at those times she would travel to London once every two months, sometimes by train and, more often by car, particularly if visiting her sister in south London. What she did recall was that the three occasions would be social occasions but was unable to say if she was travelling with either or both of her parents. There were occasions when she would travel on the train to London with family and/or her fiancée when others would pay the rail fare and she would not see the tickets.

She had previously held a 26-30 railcard which had expired in early 2020 and this was not renewed until after the incident on 6 November 2022, and thus would not have a valid card for travel on 30 April 2022. She told us that in respect of this journey she had mistakenly selected the exemption relating to the 26-30 qualification rather than the Network Railcard belonging to her mother which had been previously used. This she told us was on the basis that she had the mistaken belief that she was able to utilise her mothers' card even if her mother was not travelling with her despite the clear conditions on the rear of the card which dictates that the cardholder must be travelling with her to be valid.

On 6 November 2022 she travelled from London to a station in Buckinghamshire by train. She, as in her interview, explained that she had been in London that weekend for a hen party, and had been driven there by a friend who was expected to drive her home. Her friend having become ill and left on the Saturday (5 November) meant that the former officer had to return by train. She said that on 6 November she went to the station where she bought her ticket by using the Trainline App on her phone which she had used previously. She said that she was in a hurry as she needed to get a specific train as she had a lift from the station arranged. She variously described her state as 'jaded, tired, a little hung over and flustered.' In selecting her ticket, she told us that the App retains any railcard details previously used and in her described state she incorrectly and accidentally selected the 26-30 option. She only realised her error when a ticket inspector was to check her ticket and in opening the same on her phone app realised that she did not have any railcard to justify the discounted travel. She told the inspector of this and she was told that she would hear further from the rail authority.

The AA argued that the former officers' motivation was her concerns over her mentioned financial situation which she to the OIC in her initial contact and interview. She says that this was general background and not a reason for acting fraudulently which she denied. The AA also highlighted her differing explanations. Her explanation had shifted from 'muscle memory' to one of mistake and automated selection of exemption on the App. This was explained by the fact that her use of the term 'muscle memory' was simply a term to try and explain how she was not thinking fully in selecting her ticket. It was 'loose' language by her. It was submitted on her behalf that her explanation to her supervisor, given on 22 March 2023, at a time when the first letter from Transport Investigation Limited had been received and answered but before their second letter of 23 March had been received, was consistent with what she had said in interview and today. We decided that we would accept this; there was insufficient detail to persuade us to draw adverse inferences as the AA sought to us to do.

It was inevitably the case that the AA sought to base their case of dishonesty in part on the number of allegations to rebut the explanation of innocent mistake and that was, at least initially, a strong argument.

However, the AA had failed in respect of allegations 1 and 2 (10 October 202 and 27 November 2021) to prove that on these journeys the former officer was travelling in breach of the conditions of the use of the railcard belonging to her mother and thus was acting dishonestly. A condition of the use of the relevant Network Rail Card is that the holder can use it to obtain a discount for travel for up to four adults and two children travelling with the cardholder. The former officer, due to passage of time, was unable to say what the journeys were and who, if anyone, was with her. Of course, it is not for her to prove her innocence; the burden of proof is upon the AA.

The AA produced no evidence at all as to who the former officer was travelling with, if anyone, and thus was unable to prove that the former officer was travelling in an unauthorised way. Despite the AA encouraging the Panel to consider the weight of the remaining evidence, we did not think that this could in any way make up for a singular and vital gap in the AA's case and we accordingly dismissed these allegations.

Turning then to allegation three, (30 April 2022). Here we found the same problem as above. The former officer told us that she had mistakenly selected the 26-30 exemption and not the family and friends one. Bearing in mind how the Panel must find cogent evidence of dishonesty, especially with a police officer of good character and supportive references as to her honesty, we could not rule out mistake, especially given the fact that she had previously utilised her mothers' exemption and that she had previously held a 26-30 exemption herself. As with allegations 1 and 2, the AA could not prove that she was travelling without a valid card holder and thus we dismissed this allegation.

Finally, turning to allegation four for the matter on 6 November 2022. The former officer admitted travelling without any valid exemption. We find that she had little choice but to admit this to the train inspector. However, she voluntarily informed her line manager and PSD of her transgression which supports to some degree her assertion of honest mistake. Of course, this must be balanced with her admitted concern that it may come to light in any event some time in the future by way of the vetting process. Nevertheless, she did come forward at a time when she did not have to and this goes to support her credibility to a large degree. We found that in isolation allegation four was weakened by our findings in respect of allegations 1-3 and we could not be satisfied on the balance of probabilities that she acted dishonestly. She was, in evidence not rebutted, in a state of mind and seemingly to some degree physically, not at her best and in haste and therefore we could not dismiss her explanation as to mistake. We understood the AA's position as to her finances and her comments upon this but agreed with her that this is just as much an explanation as to her general position (as with many) as opposed to a motivation for saving a few pounds on rail fare, especially with the attendant risks involved in doing this for a serving police officer.

Whilst her actions were undoubtedly ones that rightly raised suspicions, the evidence to support the allegations fell short of the requisite standard of a balance of probabilities and thus we dismiss this allegation and therefore the case in its entirety is dismissed.

Harry Ireland Legally Qualified Chair

16th May 2024