

IN THE POLICE CONDUCT PANEL

IN THE MATTER OF THE POLICE ACT 1996

AND IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 AS
AMENDED

BETWEEN:

THE CHIEF CONSTABLE OF DERBYSHIRE

The Appropriate Authority

-and-

PC X

The Officer

REPORT ON OUTCOME – REGULATION 43

In attendance

Chair: T/DCC Michelle Shooter KPM

IPM: Andrew Robotham

Shameem Malooq

ILQP : Jonathan Rees

AA Counsel: Ian Mullarkey

Officer's Counsel Ryan Donoghue

Officer's Fed Reps PC Allinson

PSD/IO DC

Hearings Managers: Ian Green & Ian Jackson

Introduction

1. This case proceeded under the amended version of the 2020 regulations and the hearing took place between 28 June 2026 and 1 July 2026 before T/DCC Michelle Shooter KPM (Chair) sitting with Mr Andrew Robotham and Ms Shameem Malooq (Independent Members). The writing of this report was delegated to Mr Jonathan Rees LL.M (Independent Legally Qualified Person - ILQP) but all the Panel members have contributed to and approved the report. The report confirms their findings and decisions.
2. The AA was represented by Mr Ian Mullarkey and the Officer by Mr Ryan Donoghue. PC X (“the Officer”) attended and gave evidence to the Panel.

Preliminary Matters

3. Prior to the hearing the Panel had read and digested the agreed bundle of documents, the supplemental bundles and the medical evidence bundle including in particular the Regulation 30 notice and the Officer’s Regulation 31 response. They were also assisted by a detailed Opening Note prepared by Mr Mullarkey.
4. At a pre-hearing meeting the Chair had directed that the complainant Officers would be entitled to anonymity and special measures to assist them give their best evidence. The Officer was behind a screen during the witness’s evidence. Further, an anonymised version of this report will be prepared using the cyphers PC A and PC B. The Officer will be referred to as PC X
5. A preliminary issue concerned the Officer’s health. The Panel had received and read a medical report from Dr Dunham dated 1 June 2026. The report itself is in the form required by Part 35 of the Civil Procedure Rules and is directed to the Panel and not for the benefit of the Officer and the Panel therefore treated it as a serious and objective

assessment of the Officer's health. There were no Equality Act submissions by either party and it was agreed the provisions did not apply to the Officer.

6. A further preliminary point was that Counsel for the Officer said that he would want to hand up a bundle of character references to be considered by the Panel at the fact-finding stage. Counsel for the AA had agreed and suitable redactions had taken place. Mr Rees advised that the Panel could receive these documents at the fact find stage as they may be relevant to the issues of propensity and truthfulness of the Officer. The Panel considered the documents prior to the parties' submissions.

Legal Framework, Factual Background and the course of the Hearing

7. The statutory and regulatory basis of the Panel lies in Section 51 of the Police Act 1996 and the Police (Conduct) Regulations 2020 ("the Regulations"). In addition, the Panel is to have proper regard to the Statutory Guidance on Professional Standards, Performance and Integrity in Policing Issued by the Home Office also issued in 2020, known as the "HOG", which states at paragraph 1.4:

The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.

.....

The persons conducting misconduct hearings will consider the facts of the case and will decide the facts (on the balance of probabilities) and whether the Officer's conduct amounted to misconduct, gross misconduct or neither

8. The aim of misconduct proceedings is not primarily punitive although they can have that effect on the Officer concerned. The overriding objective is to set and maintain the highest standards of professional integrity, to ensure public confidence in the Police and for the public to see that these things are done in a fair, open and transparent manner.

9. The appropriate standards of professional behaviour for police Officers are set out in Schedule 2 of the 2020 Regulations and the relevant sections engaged are Authority, Respect & courtesy, Equality & Diversity and Discreditable Conduct. The factual basis of the allegations against the Officer is that he is alleged to have made inappropriate and sexualised comments to female colleagues, and that he has also pursued a relationship with PC B which was inappropriate, and on two occasions, while on duty, kissed her when she did not want him to do so.

10. The full schedule of allegations and the Officer's responses is as follows:

Allegation #	Allegation	PC X Response
Particulars of Fact		
1.1	1.1. At all relevant times, you were employed by Derbyshire Constabulary as a response Officer, having commenced employment with Derbyshire Constabulary on 6 May 2019.	Accepted.
1.2	1.2. On various dates, from 31 January 2023 until 8 June 2024, you held the role of Acting Sergeant and/ or Temporary Sergeant.	Accepted.

1.3	1.3. On various dates, you behaved in an inappropriate manner towards your female colleague PC A, which was unwanted and/ or unwelcomed as follows:	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5. Not accepted in relation to 1.3.1 and 1.3.3.
1.3.1	1.3.1. On an unknown date, you made an inappropriate and/ or sexualised comment to your female colleague words to the effect of PC A being old enough to have sexual intercourse with.	Not accepted.
1.3.2	1.3.2. On 9 April 2023, at approximately 0015 hours, you sent a WhatsApp message which contained inappropriate and/ or was sexualised to PC A stating send nudes x	Accepted.
1.3.3	1.3.3. On 17 June 2023, when off duty and at a social event in Chesterfield Town Centre, at approximately 2249 hours you sent a WhatsApp message to PC A which was inappropriate and/or sexualised stating Stop at the hotel with me x	Accepted in relation to sending message. Not accepted in relation to it being inappropriate and/or sexualised.
1.3.4	1.3.4. On 11 April 2024, at approximately 0440 hours you sent a WhatsApp message to PC A which was inappropriate and/or sexualised stating Send nudes!	Accepted.
1.3.5	1.3.5. In response PC A sent you a WhatsApp message stating No to which you replied in manner which was inappropriate and/ or derogatory stating Boo you whore!	Accepted.
1.4	1.4. On various dates, you engaged in unwanted sexualised behaviour and/ or inappropriately personal behaviour towards your female colleague PC B, which was unwanted and/ or unwelcome as follows:	Not accepted.
1.4.1	1.4.1. On an unknown date in September 2023, you were at a social event with PC B who confirmed to you that she had some nude photographs on her mobile phone. You took PC B's mobile phone and viewed the images without her permission, which was inappropriate and unwanted.	Not accepted.
1.4.2	1.4.2. The following day you phoned PC B to say she looked hot referring to the images which you had seen on her mobile phone.	Accepted.

1.4.3	1.4.3. On an unknown date in 2024, PC B confirmed with you that she did not want to have a sexual and/ or personal relationship and that she only wanted to be friends with you.	Not accepted.
1.4.4	1.4.4. On an unknown date in 2024, you were at Chesterfield Police Station and were off duty. You followed PC B into the locker room and said words to the effect of come on and kissed PC B. This was inappropriate as you knew and/ or ought to have known that PC B did not want a personal and/ or sexual relationship with you.	Accepted in relation to there being a kiss in the locker room. Not accepted in relation to PC X following PC B, saying “come on”, that it was inappropriate and/or that PC X knew or ought to have known that PC B did not want a personal and/or sexual relationship with him.
1.4.5	1.4.5. PC B made it clear she did not want to be kissed and stated words to the effect of we shouldn’t be doing this, we could get caught and someone could walk in.	Not accepted.
1.4.6	1.4.6. You knew and/or ought to have known that PC B did not want to kiss you.	Not accepted.
1.4.7	1.4.7. PC B attempted to walk past you when you grabbed her hand and tried to pull her back stating come on. PC B said no and left the locker room.	Not accepted.
1.4.8	1.4.8. On an unknown date in you were on duty and crewed with PC B. Whilst on patrol in a marked police vehicle, which you were driving, you pulled onto a layby on the A38. You made comments to suggest to PC B that it was a good opportunity to kiss again. PC B made it clear that she did not want to kiss you, confirming words to the effect of don’t be silly and let’s just get to custody.	Accepted in relation to there being a kiss in the police car but on a mutually agreed basis. Not accepted that PC B made it clear that she did not want to kiss PC X.
1.4.9	1.4.9. Despite knowing and/ or having ought to have known that PC B did not want to kiss you, you leaned in and tried to kiss her.	Accepted in relation to PC there being a kiss in the police car but on a mutually agreed basis. Not accepted in relation to PC X knowing and/or having ought to have known that PC B did not want to kiss him.

1.4.10	1.4.10.PC B told you to just drive.	Not accepted.
1.4.11	1.4.11.You persisted and repeatedly stated words to the effect that it would be fine and that no one would be able to see you, despite knowing and/ or having ought to have known that PC B did not want to kiss you.	Not accepted.
1.4.12	1.4.12.You thereafter kissed PC B, despite knowing and/ or having ought to have known that PC B did not want to kiss you.	Accepted in relation there being a kiss in the car. Not accepted that PC X knew and/or ought to have known that PC B didn't want to.
1.4.13	1.4.13. As a result of your words and actions, PC B felt pressured to kiss you.	Not accepted.
1.4.14	1.4.14.On an unknown date in May 2024, you attended a social event in Chesterfield, which PC B also attended. Prior to the event you repeatedly asked PC B to stay in a hotel room with you. PC B told you no.	Accepted on the basis of asking on two occasions.
1.4.15	1.4.15.Whilst in attendance at the social event, in a public house, you rubbed PC B's lower back, which was inappropriate and/ or unwelcome and/ or unwanted.	Not accepted.
Particulars of Alleged Misconduct		
2.1	2.1. The conduct at paragraphs 1.3 and/ or 1.4:	
2.1.1	2.1.1. represented a failure to treat female colleague(s) with respect or courtesy.	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5. Not accepted in relation to all other allegations.
2.1.2	2.1.2. represented harassing behaviour towards female colleague(s) on grounds of her sex.	Not accepted.

2.1.3	2.1.3. was conduct which had the potential to undermine public confidence in the police service.	Not accepted.
Gross Misconduct/Misconduct		
3	3. The conduct, if proved, amounts to gross misconduct for the following reasons:	Not accepted. Accepted the conduct in relation to 1.3.2, 1.3.4 and 1.3.5 amounts to misconduct only.
3.1	3.1. The conduct was unwanted and/ or sexualised contact.	Not accepted.
3.2	3.2. The conduct had the potential to create an unwelcome intimidating or hostile work environment for female colleagues.	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5.
3.3	3.3. The conduct was seriously inappropriate	Not accepted.
3.4	3.4. Your conduct was towards female junior colleagues.	Accepted.
Alleged breaches of Standards of Professional Behaviour		
4.1	4.1. Authority, Respect and Courtesy	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5 Not accepted in relation to all other allegations.
4.2	4.2. Equality and Diversity	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5 Not accepted in relation to all other allegations.
4.3	4.3. Discreditable Conduct	Not accepted.

11. It follows that this case involved a number of factual disputes which the Panel had to resolve although the majority of the factual basis of the case against the Officer was not in dispute. In terms of the alleged breaches of the required standards of professional behaviour, the AA's original case was that both sets of facts breached the required Standards of Professional Behaviour as to:

- a. **Authority, Respect and Courtesy:** (Police Officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy)
- b. **Equality & Diversity:** “Police Officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.
- c. **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).

Analysis of the evidence and Panel conclusions on the facts

- 12. In addition to having carefully studied the documents in the bundle the Panel heard oral evidence from a PC A and PC B.
- 13. **PC A** confirmed the truth and accuracy of her statement. She confirmed that she had not engaged in any flirtatious behaviour with the Officer and did not have the sense that he was attracted to her. They got on well as work colleagues and would exchange jokes in the form of memes and GIFs. The Officer was a senior member of the shift when she joined in March 2022 as a 20 year old Officer. She confirmed that she had heard and did recall the Officer making a comment about her age shortly after joining the shift and that it was words to the effect of that being 20 made her old enough for him to have sex with, she fairly and reasonably confirmed that she could not remember exact wording which is why in her statement the words were not in quotation marks.

14. She confirmed that it would have taken place in the briefing room and there would have been other people around. Her evidence was that the comment made her uncomfortable but as she was only four months in the job and nobody else challenged it she did not want to make a scene about challenging it herself.
15. She confirmed she had received the 'send nudes' messages and that she had found them offensive and that they had both taken place whilst at work and on duty. She did not know the cultural reference that the Officer has maintained in respect of the Boo you whore message, owing to the office's admissions cross-examination on this point was minimal.
16. In respect of the messages about staying in the hotel. The Officer confirmed that she did not think that there was a sexual intention or motivation for the offer to stay in a hotel. She confirmed that the Officer offered colleagues the possibility of staying in his hotel room as he would always book one because of the distance he lived from where they worked. She also confirmed that on a previous occasion she had been to his hotel room to charge her mobile phone and nothing untoward had taken place.
17. The panel heard her account of the incident on the night out where the Officer is alleged to have touched PC B on the back. The witness was clear that it had occurred in the Deja Vu venue and they had been stood at the bar and the Officer was touching PC B on her hip.
18. The Panel's impression of PC A was that she was a truthful witness in whom they could repose trust and confidence, but that her evidence was at times vague and lacking in detail, which she attributed to the passage of time since the incidents having taken place some two years before the hearing. The panel were reassured by her acceptance where she could not remember.

19. **PC B** confirmed the truth and accuracy of her statement. She confirmed that she had gotten on well with the Officer and that at one point they did have a close and flirtatious relationship she was clear early in her evidence that she did not think that she had flirted with him at work and would not have wanted to do so. She accepted engaging in flirtatious behaviour with the Officer she was also clear that the majority of that had come from him. She accepted that on occasions she had socialised with him alone variously doing activities or meeting up before team nights out where they would drink together first.
20. She was clear in her evidence that the Officer had come to view the intimate photos that were in a separate locked app on her phone, which was an iPhone using face ID. Her evidence was that the Officer came to view these on a night out in Sheffield at the Walkabout where there were other Officers around on one of the team nights out. Her recollection of the details of this incident was patchy which she attributed to the passage of time and the fact that there had been a lot of alcohol consumed. She confirmed that she had not wanted him to view the photos.
21. She confirmed that at some point in 2023 her and the Officer had engaged in a joke with their Sergeant where they had pretended to be in a relationship, but she was clear that there was no relationship and this was just a joke.
22. She fairly accepted that her relationship with the Officer continued to be flirtatious but also was clear in her evidence that that is all that she had wanted it to be and that she had not had any intention of there being anything further between them.
23. Her evidence was that using 'no comment' to the Officer was easier than saying no that she did not want to cause hassle or a scene, and that her use of the phrase no comment was designed to indicate no without her having to say so.

24. On both occasions in the locker room and the police car where the Officer had kissed her she was clear that she had not wanted that to happen and maintained that she had never wanted anything to happen at work that would affect her work or his. Crucially she did not give any evidence about inviting the Officer into the locker room. She accepted that it was a unisex locker room.
25. In respect of the car kiss, she confirmed that the Officer had been driving and that he had pulled over and kissed her and that she had not wanted that to happen.
26. Regarding the 3rd kiss the Officers evidence was that she had no recollection of this incident that she may have simply blanked it from her memory it did not appear in her witness statement but as she could not remember there was little more evidence she could give on the subject. She accepted sending the Officer a photograph following these incidents, she denied it was an intimate photo and that despite what had happened the pair were still engaged in that close flirtatious relationship.
27. She gave evidence that she felt that the Officer had told her a great deal about his mental health and in hindsight that that was an attempt to make her feel sorry for him and that by that point she was feeling under pressure to continue the relationship with him as a crutch for his mental health. Later in her evidence she stated that she took on the responsibility of keeping him in a state of being OK or keeping him happy.
28. Her evidence in respect of the Officer touching her on her back was that it had taken place in Chesterfield, and that the touching had occurred while they were sat down.
29. The panel considered PC B to be truthful witness who was doing her best to assist it but that there were times when her recollection was poor and her evidence was vague.

However, they noted the clear evidence of her feelings about the relationship and what she had said to the Officer.

30. **The Officer** himself then gave evidence. He told the Panel that There had been a culture of joking amongst the team and that those jokes Were close to the bone but not inappropriate. He described PC A and PC B as having fitted in well to the team and that their big personalities had fitted in with the other big personalities on the team including his own. The Officer described himself as being very good at remembering detail and that he had also researched on the duties system and the contents of his phone in order to provide the detail of his evidential responses to the allegations.
31. He described his relationship with PC A as friendly but in no way was he sexually or otherwise attracted to her and that any messaging between them was purely banter and not intended in any other way. He denied that the message offering her to stay in the hotel with him was sent with sexual intent, he was simply seeking to assist a colleague who was struggling to get home. He specifically denied making the comment about having sex with her and her age he denied that he had ever said anything like that in respect of the age of someone he could have sex with.
32. The Officer fairly accepted that the two send nudes messages were inappropriate sexualized and should not have been sent. He denied that they were intending to receive a response he was simply making an inappropriate joke. He accepted that the Boo Whore message was inappropriate but maintained his position that the message had come from a film quote and that while he accepted its inappropriateness it was not intended as written. He accepted that the meaning of the phrase was to indicate disappointment in somebody who won't go along with a plan.

33. The Officer denied that he had ever given PC B unwanted attention. He gave a date of the photo's incident of 17th of June 2023 and said it had occurred in the beer garden of the Portland hotel in Chesterfield with the group having done the Brampton mile. He categorically denied taking her phone and unlocking it he said that he had been shown the photographs. He admitted that the following day he had made comment to her about them.
34. The Officer denied that PC B had ever told him that she only wanted to be friends with him. He denied that her behaviour had given him any indication that she did not want to be more than friends. He said that had she been clear about that he would have ended things immediately. He accepted that she had told him that she did not want things to get in the way of work and that she did not want either of them to be moved or get into trouble.
35. In respect of the kiss in the locker room the Officers evidence, which the panel noted was an explanation given for the first time, was that PC B had stood in the doorway of the locker room and had inclined her head in order to invite him into that locker room. The Officer said that he had kissed her and that it was mutual. He denied forcing it on her and accepted that she had said that she didn't want to get caught. His evidence was that he had asked her if she wanted him to kiss her and she had given her usual no comment response but with a smirk and that had she simply said no he would not have kissed her. The officer in his responses during the investigation was that he entered the locker room (not his locker room) with the intention to kiss PC B.
36. Regarding the kiss in the car, the Officers evidence was that they had been discussing the locker room kiss on the drive and that he had formed the intention of kissing her again after asking her if that was what she wanted and again her replying with 'no comment'. He

accepted he was driving that he had pulled the car over with the intention of kissing her. His evidence, again noted by the panel for the first time, was that she would have had to move much further than him, he was on his own account locked into the seat by the amount of kit he was wearing including his Taser cartridges which prevented him from leaning over very far or otherwise. He denied repeatedly asking or pestering her and maintained that it was mutual.

37. The Officer gave evidence that PC B had approached him on a third occasion where he was working in a private room at the police station and that she had sought him out and kissed him again. His evidence was that the whole interaction was over within a minute. This was again contrary to the evidence he provided in previous disclosures during the investigation.

38. Regarding touching PC B's back, the Officers evidence was that this occurred in the Britannia public house that he had touched her back not her hip and it was in the context of two people who were speaking closely to each other in a loud environment he had placed his hand on her back while talking to her rather than rubbed it or any other action.

39. The Officer categorically denied using his mental health to put pressure on PC B, he stated on more than one occasion that PC B was 'very very good at dragging things out' of him and that he was not the sort of person that would talk openly about his mental health but she had a particular skill in persuading him to open up to her and talk to her.

40. Under cross examination the Officer denied that he was of rank at any point during any of these incidents accepting that he had acted up on occasion but that he was not any of the officers supervisors at the relevant time. However from the officers acting up record it was clear that at times, and some times protracted periods he took the role of Sergeant .

41. He accepted that he had sent PC A sexualized messages other than the ones mentioned including the image that was provided in evidence of the 'unsolicited dik dik pic'. He pointed to the Family Guy meme that was sent back and commented that many in the shift used to send memes of that nature because people thought he looked like Peter Griffin.
42. It was put to the Officer that there was an imbalance of power in the relationship with PC B with reference to the NPCC document on workplace relationships. The Officer denied that there was an imbalance between him and PC B. A theme of the Officers evidence was that he had not been challenged about any of this behaviour and as such it was acceptable and that it was for the receiving Officers to challenge if they were uncomfortable.
43. It was a feature of the Officers evidence that when cross examined about the incidents of kissing his repeated evidence was that these incidents were mutual. This answer was repeated consistently.
44. The Officer denied that he was relying on PC B to complain rather than obtaining express consent. His evidence was that he trusted her to challenge him as she was an experienced police officer who regularly challenged members of the public. He accepted telling his Sergeant that there had been two drunken kisses when confronted about the relationship and that that had been untruthful, his explanation for this was that he did not want to get PC B into trouble.
45. In re-examination the Officer repeated that it had been PC B who had been very good at getting information out of him and that he had not attempted to use his difficulties as a means of keeping her friendly with him.

46. Overall, the Panel Considered that the Officer was giving full and detailed answers to the questions he was asked and that clearly his recollection of the dates and locations of events may have been superior to the other witnesses, however the panel were troubled by the Officers introduction for the first time of evidence in respect of both the locker room and car kisses which appeared to put additional responsibility on PC B.

Legal Advice

47. The Panel were provided with two additional defence bundles of text messages and multiple references. The Panel were asked to consider the references as part of its consideration of the findings, as they went to honesty and propensity, with no objection by the AA. The Panel retired to consider their determination on findings, and were given the following legal advice:

- a. An agreed direction on bad character namely: When determining whether you find the allegations proved you should have regard to PC X's good character, and the character evidence upon which PC X relies, and you should take that into account in PC X's favour in two ways:

First, PC X gave evidence, and you should take his good character and what is said about him into account when you are deciding whether you believe what he said;

Second, the fact that PC X has no previous disciplinary findings may mean that it is less likely that he acted as alleged here.

You may, however, have regard to PC X's admissions (as set out in the Schedule) that he has breached the Standards of Professional Behaviour in the ways described, and take that into account when assessing the weight to be attached to this aspect of the Officer's good character, if you consider that appropriate.

When deciding if and/or how the weight to be attached to PC X's good character is to be affected by his admissions, you should consider any differences and any

similarities between the admitted misconduct and the individual allegation you are considering.

Good character, and good character evidence, does not provide a defence to the allegations, and it is ultimately for you, the panel, to decide what weight you attach to such evidence.

- b. A Lucas Direction: A witness may lie for many reasons that have nothing to do with the truth of the matters in issue — for example, shame, embarrassment, fear, distress, or a wish to bolster a genuinely honest case. The fact that a witness has lied about one matter does not of itself mean that their evidence is unreliable in every other respect, nor does it, without more, establish the case against them on the balance of probabilities. Even where lies are told you must not treat the lie as automatically determinative. You must weigh it alongside all the other evidence, applying the civil standard of the balance of probabilities."
- c. An explanation of the different tests for Harassment, under both s.26 of the Equality Act 2010, and the criminal test under s.1 of the Protection from Harassment Act 1997.

Findings, Breaches of Standards, & Severity

- 48. The Panel was satisfied on the balance of probability that the AA had proven the facts of the case and the breaches of the required standards of professional behaviour including some of those elements that were disputed by the Officer.
- 49. His denials were not accepted by the Panel. In the Panel's view both PC A and PC B were credible and honest witnesses who were telling the truth. The Panel were troubled by the

Officers repeated assertion that the kissing was mutual that PC B had never indicated she did not want anything like that to happen. In its view the Officer had placed a significant amount of responsibility on PC B to be the sole arbiter of his actions. The panel noted that at no time can the Officer be said to have received active consent to kissing PC B.

50. The Panel finds as follows:

51. 1 – Particulars of Fact			
1.1	1.1. At all relevant times, you were employed by Derbyshire Constabulary as a response Officer on, having commenced employment with Derbyshire Constabulary on 6 May 2019.	Accepted.	No Finding Needed
1.2	1.2. On various dates, from 31 January 2023 until 8 June 2024, you held the role of Acting Sergeant and/ or Temporary Sergeant.	Accepted.	The Panel found that the Officer was in a senior role on the shift and by virtue of temporary Sgt / acting Sgt was at times in a position of authority in respect of the team and junior colleagues.
1.3	1.3. On various dates, you behaved in an inappropriate manner towards your female colleague PC A, which was unwanted and/ or unwelcomed as follows:	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5. Not accepted in relation to 1.3.1 and 1.3.3.	
1.3.1	1.3.1. On an unknown date, you made an inappropriate and/ or sexualised comment to your female colleague words to the effect of PC A being old enough to have sexual intercourse with.	Not accepted.	Not proven – the lack of detail makes it difficult for the panel to consider this reaches the standard of more likely than not. Evidence was not strong from PC A and no other witnesses in what is described as occurring in the briefing area.

1.3.2	1.3.2. On 9 April 2023, at approximately 0015 hours, you sent a WhatsApp message which contained inappropriate and/ or was sexualised to PC A stating send nudes x	Accepted.	The Panel accept this admission.
1.3.3	1.3.3. On 17 June 2023, when off duty and at a social event in Chesterfield Town Centre, at approximately 2249 hours you sent a WhatsApp message to PC A which was inappropriate and/or sexualised stating Stop at the hotel with me x	Accepted in relation to sending message. Not accepted in relation to it being inappropriate and/or sexualised.	Not proven – the balance of the evidence suggests that this was not sent in a sexualised or inappropriate manner.
1.3.4	1.3.4. On 11 April 2024, at approximately 0440 hours you sent a WhatsApp message to PC A which was inappropriate and/or sexualised stating Send nudes!	Accepted.	
1.3.5	1.3.5. In response PC A sent you a WhatsApp message stating No to which you replied in manner which was inappropriate and/ or derogatory stating Boo you whore!	Accepted.	
1.4	1.4. On various dates, you engaged in unwanted sexualised behaviour and/ or inappropriately personal behaviour towards your female colleague PC B, which was unwanted and/ or unwelcome as follows:	Not accepted.	The Panel find that this is proven on the balance of probabilities based on the findings below.
1.4.1	1.4.1. On an unknown date in September 2023, you were at a social event with PC B who confirmed to you that she had some nude photographs on her mobile phone. You took PC B's mobile phone and viewed the images without her permission, which was inappropriate and	Not accepted.	Not proven – the panel preferred the evidence that these images were shown to PC X. There had clearly been a discussion around the presence of the images. Other people were present and there was no evidence of any untoward behaviour in terms of taking the phone and unlocking the phone and the separate application.

	unwanted.		
1.4.2	1.4.2. The following day you phoned PC B to say she looked hot referring to the images which you had seen on her mobile phone.	Accepted.	No Finding necessary based on the admission.
1.4.3	1.4.3. On an unknown date in 2024, PC B confirmed with you that she did not want to have a sexual and/ or personal relationship and that she only wanted to be friends with you.	Not accepted.	The Panel found this to be proven. This is based on the evidence provided in PC B's MG11 and her consistent evidence given in the hearing.
1.4.4	1.4.4. On an unknown date in 2024, you were at Police Station and were off duty. You followed PC B into the locker room and said words to the effect of come on and kissed PC B. This was inappropriate as you knew and/ or ought to have known that PC B did not want a personal and/ or sexual relationship with you.	Accepted in relation to there being a kiss in the locker room. Not accepted in relation to PC X following PC B, saying "come on", that it was inappropriate and/or that PC X knew or ought to have known that PC B did not want a personal and/or sexual relationship with him.	The panel finds that PC X was not invited into the locker room by PC B but that he did follow her into the locker room. The Panel did not believe the account given that PC B beckoned the Officer into the locker room on the basis that this account had not been raised in any of the Officer's previous responses nor interview. The Panel finds that PC X as an acting Sgt has entered the locker room and proactively initiated a kiss with PC B and intended to do so when he entered the locker room. The Panel finds that the Officer knew that PC B did not want a sexual relationship with him.
1.4.5	1.4.5. PC B made it clear she did not want to be kissed and stated words to the effect of we shouldn't be doing this, we could get caught and someone could walk in.	Not accepted.	The Panel find this proven.
1.4.6	1.4.6. You knew and/or ought to have known that PC B did not want to kiss you.	Not accepted.	The Panel found this proven.
1.4.7	1.4.7. PC B attempted to walk past you when you grabbed her hand and tried to pull her back stating come on. PC B said no and left the locker	Not accepted.	The Panel find there is insufficient evidence to prove this element of that particular allegation.

	room.		
1.4.8	1.4.8. On an unknown date in you were on duty and crewed with PC B. Whilst on patrol in a marked police vehicle, which you were driving, you pulled onto a layby on the A38. You made comments to suggest to PC B that it was a good opportunity to kiss again. PC B made it clear that she did not want to kiss you, confirming words to the effect of don't be silly and let's just get to custody.	Accepted in relation to there being a kiss in the police car but on a mutually agreed basis. Not accepted that PC B made it clear that she did not want to kiss PC X.	The Panel find that this happened and in light of its previous finding, and the evidence of PC B, find that PC B did not want this to take place. The accounts provided in the hearing from PC X are not in line with the account provided within the regulation notices and within the interview.
1.4.9	1.4.9. Despite knowing and/ or having ought to have known that PC B did not want to kiss you, you leaned in and tried to kiss her.	Accepted in relation to PC there being a kiss in the police car but on a mutually agreed basis. Not accepted in relation to PC X knowing and/or having ought to have known that PC B did not want to kiss him.	The Panel find this proven and it was not on a mutually agreed basis. As per the above finding.
1.4.10	1.4.10. PC B told you to just drive.	Not accepted.	The Panel do not consider this requires a specific finding in light of its findings above and below.
1.4.11	1.4.11. You persisted and repeatedly stated words to the effect that it would be fine and that no one would be able to see you, despite knowing and/ or having ought to have known that PC B did not want to kiss you.	Not accepted.	The Panel do not consider this requires a specific finding in light of its findings above and below.

1.4.1 2	1.4.12. You thereafter kissed PC B, despite knowing and/ or having ought to have known that PC B did not want to kiss you.	Accepted in relation there being a kiss in the car. Not accepted that PC X knew and/or ought to have known that PC B didn't want to.	This is a repetition of 1.4.8 and as such the Panel do not make a separate finding.
1.4.1 3	1.4.13 As a result of your words and actions, PC B felt pressured to kiss you.	Not accepted.	This is a repetition of 1.4.8 and as such the Panel do not make a separate finding
1.4.1 4	1.4.14 On an unknown date in May 2024, you attended a social event in Chesterfield, which PC B also attended. Prior to the event you repeatedly asked PC B to stay in a hotel room with you. PC B told you no.	Accepted on the basis of asking on two occasions.	The Panel find this proven on the basis of the acceptance. The Panel found that this was sexually motivated.
1.4.1 5	1.4.15 Whilst in attendance at the social event, in a public house, you rubbed PC B's lower back, which was inappropriate and/ or unwelcome and/ or unwanted.	Not accepted.	The Panel find there is conflicting evidence as such it is unable to make this finding. The Panel were not clear of the evidence in terms of location in both the event itself, whether at the bar or sat at the table and there was no corroboration in terms of evidential accounts.
			In respect of the suggested third kiss in the police station, the Panel find there is insufficient evidence in terms of the conflicting accounts that they are unable to make any additional finding on this point. However, the account provided in the Misconduct hearing differs significantly from the Officer's previous accounts.
2 – Particulars of Alleged Misconduct			
2.1	2.1. The conduct at paragraphs 1.3 and 1.4:		

2.1.1	2.1.1. represented a failure to treat female colleague(s) with respect or courtesy.	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5. Not accepted in relation to all other allegations.	The Panel find the Officer acted without self-control as was admitted in his interview regarding the incident in the car. The Officer accepts the conduct in respect of PC A amounts to failure to treat PC A with respect and courtesy The Panel find that on the basis of its findings the Officer's conduct demonstrates that he failed to respect PC B's wishes or treat her with courtesy.
2.1.2	2.1.2. represented harassing behaviour towards female colleague(s) on grounds of her sex.	Not accepted.	The Panel prefer the definition of Harassment in the Equality Act as submitted by the Appropriate Authority, and not the criminal offence preferred by the Defence. The Panel find that the conduct towards PC B was harassment using the definition in s.26 of the Equality Act on the basis that PC X engaged in unwanted conduct of a sexual nature, and, the conduct had the purpose of violating PC B's dignity. The Panel do not find this allegation proven in respect of PC A, when considering the other circumstances of the case pursuant to s26 (4)(b).
2.1.3	was conduct which had the potential to undermine public confidence in the police service.	Not accepted.	The Panel found that the conduct did have the potential to undermine public confidence in the Police service.

Breaches of the required standards of professional behaviour

52. In the judgment of the Panel these were the clearest possible breaches of the required standards of professional behaviour as alleged. The Officer's behaviour in saying the things that he did was obviously disrespectful and discourteous to his female colleagues. The Officers behaviour toward PC B amounted to sexual offences, and it brings discredit upon Derbyshire Constabulary. This is precisely the sort of language and behaviour which he knew or ought to have known was wholly unacceptable in the police service.

Alleged breaches of Standards of Professional Behaviour	Finding
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4.1	4.1. Authority, Respect and Courtesy	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5 Not accepted in relation to all other allegations.	The Panel find this allegation proven on the basis of the findings made above and, on the admissions, made.
4.2	4.2. Equality and Diversity	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5 Not accepted in relation to all other allegations.	In finding the Officer's behaviour constitutes harassment pursuant to s26 of the Equality Act 2010, the Panel find that the conduct was a breach of the standard of equality and diversity.
4.3	4.3. Discreditable Conduct	Not accepted.	In finding the Officer's conduct amounted to two incidences of sexual assault, committed while on duty, to have breached the standards of professional behaviour and to be misconduct, the Panel find that the Officer has breached the standard of discreditable conduct.

Misconduct or gross misconduct

53. The Panel then went on to assess the seriousness of these breaches. They were advised by the ILQP to do so through the lens of the familiar fourfold guidelines set out in the Guidance on Outcomes as a useful checklist on disposal, and references to the Guidance is included in the sections below.

Gross Misconduct/Misconduct			
3	3. The conduct, if proved, amounts to gross misconduct for the following reasons:	Not accepted. Accepted the conduct in relation to 1.3.2, 1.3.4 and 1.3.5 amounts to misconduct only.	Overall the Panel considered the findings it had made and the acceptances by the Officer were so serious as to justify a finding of Gross Misconduct. The Panel have found that on two occasions, PC X sexually assaulted PC B.
3.1	3.1. The conduct was unwanted and/ or sexualised contact.	Not accepted.	The Panel have found that the conduct was unwanted sexualised conduct in relation to PC B and the admissions in relation to PC A also amounted to unwanted sexualised conduct.

3.2	3.2. The conduct had the potential to create an unwelcome intimidating or hostile work environment for female colleagues.	Accepted in relation to 1.3.2, 1.3.4 and 1.3.5.	The Panel in making the findings and considering the admissions above find that the conduct did have the potential to create an unwelcome, intimidating or hostile work environment for female colleagues. Other evidence from colleagues' support this to varying degrees.
3.3	3.3. The conduct was seriously inappropriate	Not accepted.	The Panel find the conduct was seriously inappropriate particularly when considering the conduct which took place while on duty and in police vehicles or premises.
3.4	3.4. Your conduct was towards female junior colleagues.	Accepted.	The Panel accept this admission.

54. Culpability

- a. The panel find that the culpability of the Officer's conduct relating to PC B to be **HIGH** and to PC A to be **MEDIUM** on the following basis:

- i. *4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an Officer's actions will be relevant to the harm caused.*

The Panel considered the conduct in relation to PC B was intentional, deliberate and targeted, and also noted the consequences on PC B which included her being moved teams while he remained. There are admissions from the Officer within his interview that he wanted to have a sexual interaction with PC B. The Panel found that the Officer had sexually assaulted PC B on two occasions.

- ii. *4.11 Where harm is unintentional, culpability will be greater if the Officer could reasonably have foreseen the risk of harm.*

The Panel considered the Officer could have reasonably foreseen the risk of harm of unwanted sexual contact with a junior Officer while on duty in relation to both PC's B and A.

- iii. *4.12 Culpability will also be increased if the Officer was holding a position of trust or responsibility at the relevant time. All police Officers are in a position of trust, but **an Officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct.***

The Panel considered that the Officer was holding a position of responsibility in relation to his length of service and occasional duties as an acting or temporary Sergeant.

b. In line with the Guidance on Outcomes the Panel considered that the types of misconduct given in the following should be considered especially serious.

- i. *4.40 Misconduct involving violence, intimidation or sexual impropriety is serious and can significantly undermine public trust in the profession.*

The Panel have made findings of sexual impropriety in that the Officer sexually assaulted PC B on two occasions.

- ii. *4.41 This includes cases involving bullying or **harassment**, either **in the police service** or towards members of the public. **Give attention to the degree of persistence**, the vulnerability of the other party, the number of people subjected to the behaviour and whether the Officer was in a specific position of authority or trust. **More serious action is likely to be appropriate where the Officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or improper emotional relationship with a colleague or member of the public.***

The Panel found that there was a degree of persistence, the Officer demonstrated predatory behaviour motivated by a desire to establish a sexual relationship with a colleague.

- iii. In relation to Violence Against Women and Girls – the panel considered that the findings were that on at least two occasions PC X had pursued PC B and sexually assaulted her, and when coupled with the admissions of unwanted sexualised behaviour towards PC A, considered it to meet the definition of VAWG, in relation to abusive behaviour, albeit at a lower level.

55. Harm –

- a. The Panel find that the harm is MEDIUM.
 - i. 4.64- The harm to the reputation of Derbyshire Constabulary will be affected by the findings made against the Officer.

- ii. *4.66 - Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an Officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. (4.66)*

The Panel have taken into account that the findings it has made would be likely to harm public confidence.

Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

The Panel have made findings that the actions of the Officer and the result of those actions, particularly where PC B was moved teams, would harm discipline and good order.

- iii. *4.69 How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time.*

The Panel considered that the findings would serve to undermine public confidence. They are frankly embarrassing to the Constabulary and the Police Service.

- iv. *4.70 The Panel considered the scale and depth of local or national concern about the behaviour in question.*

Police Officer's conduct in respect of sexual impropriety has garnered significant local and national media attention with high profile cases of Officers such as Wayne Couzens and David Carrick being of significant and continued interest to the public. Objectively the Panel considered that this case would cause the public significant concern about the behaviour of our Officers while on duty.

56. Aggravation

- a. The Panel considered the following factors that indicate a higher level of culpability or harm – 4.76:

- i. *Targeted, predatory behaviour* – the Officer accepted in interview that he intended to have a sexual relationship or 'fling' with PC B.

- ii. *Malign intent such as sexual gratification* - The Officer accepted in interview his intention was a sexual relationship with PC B.
- iii. *Abuse of position* – the Officer was a senior constable on the shift with occasional ranking responsibilities and PC's B and A were more junior colleagues.
- iv. *Attempting to blame others* – The Officer maintained throughout that the conduct complained of by PC B was mutual. The Officer changed his account during his evidence to place additional responsibility on PC B suggesting that she initiated the locker room incident by inviting him in, and that she had had to actively participate in the police car incident.
- v. The behaviour was regular, repeated and sustained.
- vi. The Officer continued the behaviour when he should have realised that it was improper particularly in relation to the incidents occurring on duty. The Officer accepted he had not had active consent to sexual interaction with PC B.
- vii. The behaviour was a significant deviation from the force policy on sexual harassment.
- viii. As previously commented, the scale or depth of a local or national issue is significant relating to sexual impropriety by police Officers.
- ix. The Panel have found there were multiple proven allegations of behaviour and breaches of the standards.

57. **Mitigation** – the Panel considered the following factors that mitigated the Officer's culpability:

- a. Mental ill health – the panel noted that the Officer at the material time was suffering with mental ill health which may have had the effect of affecting his judgement and may have made him more likely to make poor decisions.

- b. The Officer has made limited admissions to his behaviour and engaged positively with the investigation providing detailed accounts at every opportunity.
- c. The Officer demonstrated some limited insight and remorse in respect of his conduct towards PC A.
- d. Since the behaviour complained of the Officer has performed his duties to a high standard.

Disposal

58. The Panel heard submissions as to the appropriate disposal of the case. They reminded themselves of their responsibilities, which are:

- a. to maintain public confidence and reputation of the police service,
- b. to uphold high standards in policing and to deter misconduct
- c. to protect the public

and that they must do no more, although no less, than is required to meet the seriousness of the case. This is an “old rules” case so the presumption of dismissal does not apply. The Officer’s service record was submitted which does not show anything to his discredit.

59. Having given the matter careful thought, the Panel resolved to impose the penalty of a **Dismissal Without Notice**. This is the lowest possible sanction that meets the justice of the case. Their reasons for coming to this conclusion were as follows

60. As submitted by Counsel for the AA and advised by the ILQP the Panel revisited the fourfold criteria in the Guidance on Outcomes. They could see no reason to change their analysis as previously set out.

61. At this stage of the case the Panel considered the Officer's personal mitigation, although they understood that this is of limited impact. They re-read his character references and noted that since the incidents in question, he has knuckled down and performed well as a police Officer.
62. However, it was obvious to the Panel that the most serious part of this case is the fact that they had made findings which amounted to sexual assault on two occasions, while on duty and on police premises. There is simply no place in the Constabulary for officers who engage in behaviour such as this.
63. While the Panel accepted there had been a close and flirtatious relationship between the Officer and PC B which had elements of sexual flirtation, the Panel had found that there was no active consent to the sexual activity which the Officer imposed on PC B. The Officer's lack of insight into his behaviour was apparent, and the Panel questioned his motivation to place, as he did within his evidence, a great deal of the responsibility on to PC B, who is 15 years his junior in age and was a much less experienced Officer at the time. The Panel accepted that the Officer was suffering from some mental health difficulties, but noted that his first report to his GP was after was served misconduct papers (and not as he told Sgt Holmes).
64. It was behaviour of the utmost seriousness, that breached the standards of professional behaviour so seriously that no lesser sanction would be appropriate in all the circumstances. The Panel considered that the public, if in possession of all the facts, would be more than disappointed in the Officer's actions, they would be appalled. The harm to the Constabulary and to PC B was significant, and there had been no remorse in respect of that behaviour. The Officer clearly considered himself to have been wronged by PC B.
65. The Officer's name will be added to the barred list.

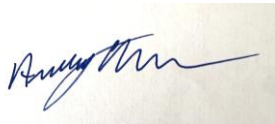
66. The Panel were invited by the defence to maintain the direction on anonymity which was not opposed by the AA. Having considered the medical evidence on the point, the Panel agreed that it was necessary to maintain the Officer's anonymity in publication of this outcome.

2 July 2026

Approved by:



T/DCC Michelle Shooter KPM - Chair



Andrew Robotham -IPM



Shameem Malooq -IPM

Prepared by ILQP:



Jonathan Rees, LLB LLM.