

In the Police Misconduct Panel.

In the Matter of Chief Constable of Surrey Police v OFFICER D.

Decision.

Introduction.

1. This is the decision of the Police Misconduct Panel convened on Monday 30th June 2025 to consider the allegations of professional misconduct brought against OFFICER D. The Panel sat for four days from the 30th June until 3rd July 2025 (4 days). The Panel comprised Assistant Chief Constable Peter Gardner (Panel Chair), Mr G. Lancaster (Independent Panel Member) and Ms. J.P. Cook (Independent Panel Member). The Panel was assisted by Mr Gregor McGill (Legally Qualified Adviser). The Appropriate Authority (“AA”) was represented at the hearing by Ms Hannah Hinton and OFFICER D was represented by Mr Ashraf Khan.

Legal and Regulatory Background.

2. The statutory and regulatory basis of the Panel lies in the Police Reform Act 2002 and the Police (Conduct) Regulations 2020 (“the 2020 Regulations”) as amended by the Police (Conduct) (Amendment) Rules 2024. In addition, the Panel is to have proper regard to the Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office also issued in 2020 known as the “HOG”.
3. The 2020 HOG states at paragraph 1.4: “*The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.*”
4. Later in the HOG the duty of the panel is summarised thus: “*The persons conducting misconduct hearings will consider the facts of the case and will decide the facts (on*

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

5. Having determined the facts and deciding what they amount to, the Panel is then enjoined to decide what to do about them. The Panel therefore proceeded in accordance with this basic structure.
6. The purpose of the Police Misconduct Regime is set out in the most recent Guidance from the College of Policing (2023) on the outcomes in such proceedings. It states at paragraph 2.3 that it is threefold, namely (1) to maintain public confidence in, and the reputation of, the police service; (2) to uphold high standards in policing and to deter misconduct; and (3) to protect the public. It is not meant to be primarily punitive but it is accepted that misconduct proceedings can sometimes have that effect on officers involved in them.
7. The appropriate standards of professional behaviour for Police Officers is set out in Schedule 2 of the 2020 Regulations and the standards said to be engaged in this case are as follows: **Authority Respect and Courtesy-** *Police Officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police Officers do not abuse their powers or authority and respect the rights of all individuals;* **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.*
8. Regulation 41 (15) of the Conduct Regulations provides that the person(s) conducting the misconduct proceedings must review the facts of the case and decide whether the conduct of the officer concerned amounts to misconduct, gross misconduct or neither.
9. Misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross Misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal.

Relevant Regulatory Case Law.

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

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

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

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

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

“Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded”.

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

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

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

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

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

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

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

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

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

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

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

Allegations faced by OFFICER D.

16. OFFICER D faced the following allegations:

“Regulation 30 allegations.

On September 30th 2023 you attended a function at LOCATION A in company with a number of colleagues from the Force Control Room rota and B rota. It is alleged during the course of the evening that you touched three of your female colleagues, OFFICER A, OFFICER B & OFFICER C inappropriately and without their consent.

1. In relation to OFFICER A, whilst inside LOCATION A:

- i. You leaned behind another officer in order to show OFFICER A articles on your phone. You placed your hand on her shoulder lingering there and on the lower arch of her back to get her attention whilst moving your fingers slightly against her back. This contact was on more than one occasion and lasted a few seconds each time.*

- ii. *You subsequently slid your hand across her lower back, level with her coccyx/underwear, very close to her bottom. This action was repeated six or seven times for durations between two and seven seconds. Your actions caused her to be shocked and frightened and she perceived it as deliberate and sexual.*
- iii. *When OFFICER C and others arrived, you hugged OFFICER A around the neck with both hands and pressed your face against hers for around six to seven seconds. This caused her to feel shocked, uncomfortable and made her freeze when she realised it was you and not her husband.*
- iv. *Later on, OFFICER C came over and she hugged OFFICER A. During the hug, OFFICER A felt a firm palm in the dip of her bottom for two to three seconds which she attributes to you as you were sitting next to where she was standing. She stepped away to break the contact. This caused her to feel the need to protect herself from you making further contact with her bottom.*

2. In relation to OFFICER B, whilst inside LOCATION A:

- i. *OFFICER B felt an open palmed hand move along her lower back which stayed on the left side of her waist for about a minute. Whilst she was not able to see you, you were the only person who would have been close enough to do this.*
- ii. *Shortly afterwards you did an almost identical movement touching OFFICER B in the same way and on the same place. This lasted about 30 seconds and made her feel very uncomfortable.*
- iii. *A short time later, you left the table and then as you climbed the bench to get back in, you placed your hand on OFFICER B's lower back and then moved it towards the crease of her waist in an intimate location. This lasted for approximately one minute and made her feel really uncomfortable.*
- iv. *Later on, at the table you were sitting directly opposite OFFICER B. As she went to pick up her drink, her hand was at the base of it and you put your hand on top of hers and said "DRINK UP," making her fear that you may have spiked her drink.*

3. In relation to OFFICER C whilst outside LOCATION B:

- i. *Later in the evening outside LOCATION B, you spoke to OFFICER C and became distressed. You put your head on her shoulder and began to cry. As OFFICER C*

moved her body angle away from you, you put your hand in the small of her back to hug her. She did not immediately stop this due to your distress, but she then felt your hand on her lower back begin to “scratch/tickle” her while you cried.

Your behaviour as described above breaches the following Standards of Professional Behaviour:- (a) Discreditable Conduct (b) Authority, Respect and Courtesy Your behaviour has been assessed as gross misconduct and is so serious as to justify dismissal.”.

Documents and material available to the Panel

17. The Panel had access to the following material:

- Hearing bundle numbered 1-180.
- Opening note from Counsel for the AA.
- ***** submitted by OFFICER D.
- Service record and testimonials submitted by OFFICER D.

The CCTV.

18. An issue arose relating to the relevant CCTV which came from LOCATION A, where the majority of the incidents leading to the allegations faced by OFFICER D were said to have taken place. There was no reference to any CCTV in the hearing bundle provided to the Panel and no reference to the CCTV on the unused material disclosure schedule-although there was some reference to a crime report document that if examined would have revealed the presence of CCTV. It was ultimately accepted by the AA that the CCTV was not placed on the unused material schedule in error. The CCTV was referred to in the cross examination of PC A but only in passing and no particular point was made. In closing, however, counsel representing OFFICER D criticised the AA for the absence of reference to the CCTV on the unused material schedule. This criticism came after the close of the cases of both the AA and OFFICER D.

19. The criticism contained in the closing speech referred to above was the first occasion that the Panel had any notice of any issue with either the presence of, or absence of, any CCTV. The Panel Chair immediately raised the issue with the AA counsel and was provided with a copy of the Crime Report referred to in paragraph 18 above. From reading the document, the Chair was concerned that there could have been

relevant and disclosable information on the CCTV as the document did refer to potentially undermining material relating to PC A.

20. The Panel Chair had reference to paragraph 11.107 of the HOG which states as follows:

“It will be for the chair of the hearing to determine the course of the hearing in accordance with the principles of natural justice and fairness”.

21. The Chair also had reference to paragraph 11.111 of the HOG which states as follows:

“Any document or other material that was not submitted in advance of the hearing by the appropriate authority or the officer concerned may still be considered at the hearing at the discretion of the chair. However, the presumption should be that such documents will not be permitted unless it can be shown that they were not previously available to be submitted in advance. Any such decisions are at the chair’s discretion”.

22. The Chair was satisfied that fairness required that those representing the officer needed to consider whether there was anything on the CCTV that could assist the case for OFFICER D. The Chair was also satisfied that, as the CCTV had not been included on the unused material schedule, it was not previously available to those representing OFFICER D and so the CCTV could be considered.

23. The Chair directed that the Surrey Police officer who had carried out the original investigation into the allegations made against OFFICER D, before the matter was passed to Professional standards, and who had originally viewed the CCTV, attend before the Panel. The officer attended before the Panel. It was agreed that the officer would make a statement setting out why he felt that there was material on the CCTV which could undermine the account of PC A and provide a copy of that statement to both the AA and those representing OFFICER D. Having considered the statement, both parties would be able to make representations to the Panel about any future steps.

24. The statement was provided and the material that was said to be undermining of PC A was described as a discrepancy in respect of stated timings. The statement, with agreement, was placed into the record of the proceedings, and all parties agreed that the statement dealt with the matter satisfactorily and fairly. Those representing OFFICER D confirmed that they did not wish to view the CCTV footage and were happy to rely on the information in the statement.

Analysis and decision.

25. The decision of the Panel about the facts, the breaches of the relevant professional standards and the level of Misconduct was given orally by the Panel Chair on 3rd July 2025 as follows:

“The Panel will deliver its findings with brief reasons now. A full written ruling setting out the Panel’s detailed findings will follow in due course. The Panel has carefully considered all the written material submitted, along with the evidence heard at the Hearing itself. The Panel also reminded itself that the AA brings the case, and it is for the AA to prove the case on the balance of probabilities.

The Panel has followed the staged approach as set out in the guidance. Firstly, to consider findings as to the facts.

FACTS

We have considered each of the allegations individually and came to the following findings:

With regards to the allegations relating to Officer A:

Allegation 1 (i) by reference to the Regulation 30 notice:

You leaned behind another officer in order to show Officer A articles on your phone. You placed your hand on her shoulder lingering there and on the lower arch of her back to get her attention whilst moving your fingers slightly against her back. This contact was on more than one occasion and lasted a few seconds each time.

- *We find the facts to be proven.*
- *We found Officer A to be a credible witness and for her evidence to be clear and consistent.*
- *We find no evidence of malice or bias on the part of Officer A, by mutual admission Officer A and OFFICER Ds were friends, and she had invited him on the night out. She knew of the PRI and invited OFFICER Ds to the event with this knowledge.*
- *This was corroborated by Officer B.*
- *OFFICER Ds has admitted that he touched her. Though we note that he believed consent was implied and that he stated his motivation was not sexual.*

Allegation 1 (ii) by reference to the Regulation 30 notice:

You subsequently slid your hand across her lower back, level with her coccyx/underwear, very close to her bottom. This action was repeated six or seven times for durations between two and seven seconds. Your actions caused her to be shocked and frightened and she perceived it as deliberate and sexual.

- *As above, we find the facts to be proven.*
- *We found Officer A to be a credible witness and for her evidence to be clear and consistent.*

- *As above, we find no evidence of malice or bias on the part of Officer A, by mutual admission Officer A and OFFICER Ds were friends, and she had invited him on the night out. She knew of the PRI and invited OFFICER Ds to the event with this knowledge.*
- *OFFICER Ds has admitted that he touched her, and conceded that he was not certain as to how low on her back he touched Officer A. We also note that he believed consent was implied and that he states he had no sexual motivation.*
- *We found OFFICER Ds' evidence when repeatedly questioned on the appropriateness of this touching to be evasive.*
- *We note also that this took place on multiple occasions.*

Allegation 1 (iii) by reference to the Regulation 30 notice:

When Officer C and others arrived, you hugged Officer A around the neck with both hands and pressed your face against hers for around six to seven seconds. This caused her to feel shocked, uncomfortable and made her freeze when she realised it was you and not her husband.

A above, we find the facts to be proven.

- *We found Officer A to be a credible witness and for her evidence to be clear and consistent.*
- *As above, we find no evidence of malice or bias on the part of Officer A, by mutual admission Officer A and OFFICER Ds were friends, and she had invited him on the night out. She knew of the PRI and invited OFFICER Ds to the event with this knowledge.*
- *OFFICER Ds has admitted that he hugged her, though denies touching her neck.*
- *We note OFFICER Ds stated that he asked for consent, but also that he did not wait for this consent to be given before proceeding with the hug. We also note his statement that this was not sexually motivated.*
- *Similarly, we also found OFFICER Ds' evidence when repeatedly questioned on the appropriateness of this touching to be evasive.*

Allegation 1 (iv) by reference to the Regulation 30 notice:

Officer C came over and she hugged Officer A. During the hug, Officer A felt a firm palm in the dip of her bottom for two to three seconds which she attributes to you as you were sitting next to where she was standing. She stepped away to break the contact. This caused her to feel the need to protect herself from you making further contact with her bottom.

As a Panel we have found this to be the most difficult of the allegations to make a decision on. On the balance of probabilities, we have found the allegation to be proven. In coming to this conclusion, we have considered the following:

- *We find Officer A to be a credible witness.*
- *The evidence given by Officer A has been clear and consistent.*
- *We find no reason for malice or bias on behalf of Officer A. We note that it was Officer A that encouraged OFFICER Ds to attend the night out, in knowledge of his PRI. We also note from her own evidence, that she considered him a friend.*

- *Considering Officer A to be a credible witness, we therefore find no reason to doubt her evidence regarding the touching of her bum and the positioning of OFFICER Ds.*
- *We note also that this positioning is corroborated by the evidence of Officer C.*
- *Whilst we consider each allegation independently, it is also important to consider the wider events of the evening in question, and that by his own admission and the evidence of others, we have found the other allegations of unwarranted and inappropriate touching to have been proven.*
- *Conversely, we note the adamant denial by OFFICER Ds that he touched the bum of Officer A.*
- *We also note the alleged touch was not directly seen by either Officer A nor Officer C.*
- *We also note the discrepancy in timings of the alleged incident as per the statement of DC XXX*
- *We have considered whether the discrepancy in timings undermines the credibility of the evidence presented by Officer A. However, we note that a mistake on timing does not necessarily undermine the credibility of the witnesses overall evidence. We do give weight to the discrepancy in timings, and consider this within the context of the overall evidence of Officer A, and in this regard, we believe it has limited weight.*
- *We have considered the credibility of Officer A, the evidence of Officer A and Officer C, whom we also believe to be credible and the wider context of the events on the evening. As a panel we feel that this is not outweighed by the denial of OFFICER Ds, the contradiction in timings, and the lack of direct observation of the incident.*
- *We therefore find on the balance of probabilities that this allegation is proven.*

With regards to the allegations relating to Officer B:

Allegation 2 (i) and Allegation 2 (ii) by reference to the Regulation 30 notice:

- (i) *Officer B felt an open palmed hand move along her lower back which stayed on the left side of her waist for about a minute. Whilst she was not able to see you, you were the only person who would have been close enough to do this.*
 - (ii) *Shortly afterwards you did an almost an identical movement touching Officer B in the same way and on the same place. This lasted about 30 seconds and made her feel very uncomfortable.*
- *We find the facts to be proven.*
 - *We found Officer B to be a credible witness and for her evidence to be clear and consistent.*
 - *We find no evidence of malice or bias on the part of Officer B, noting the offer of a lift to the event and the encouragement to change sides of the table.*
 - *By admission, OFFICER Ds noted that he touched her, though we also note his belief that there was implied consent, as he believed they were friends, and that it was neither inappropriate nor sexually motivated.*

Allegation 2 (iii) by reference to the Regulation 30 notice:

A short time later, you left the table and then as you climbed the bench to get back in, you placed your hand on Officer B's lower back and then moved it towards the crease of her waist

in an intimate location. This lasted for approximately one minute and made her feel really uncomfortable.

- *As above, we find the facts to be proven.*
- *We found Officer B to be a credible witness and for her evidence to be clear and consistent.*
- *We find no evidence of malice or bias on the part of Officer B, noting the offer of a lift to the event and the encouragement to change sides of the table.*
- *By admission, OFFICER Ds noted that he touched her, though we also note his belief that there was implied consent, as he believed they were friends, and that it was neither inappropriate nor sexually motivated.*
- *We also note this was corroborated by Officer A.*

Allegation 2 (iv) by reference to the Regulation 30 notice:

Later on, at the table you were sitting directly opposite Officer B. As she went to pick up her drink, her hand was at the base of it and you put your hand on top of hers and said “DRINK UP,” making her fear that you may have spiked her drink.

- *Whilst we are not disputing that this happened, but even as so, this is incapable of amounting to any breach.*
- *Whilst it was a concern expressed, no drink was spiked and as such we have disregarded this.*

With regards to the allegations relating to Officer C:

Allegation 3 (i) by reference to the Regulation 30 notice:

Later in the evening outside LOCATION B, you spoke to Officer C and became distressed. You put your head on her shoulder and began to cry. As Officer C moved her body angle away from you, you put your hand in the small of her back to hug her. She did not immediately stop this due to your distress, but she then felt your hand on her lower back begin to “scratch/tickle” her while you cried.

- *We find this fact to be proven.*
- *We note that the hug did happen, as reinforced by both Officer C and OFFICER Ds.*
- *By admission, OFFICER Ds accepts his hands were on Officer C’s back., Though we note his denial of the tickling action and that this was not sexually motivated.*
- *We find Officer C to be a credible witness, and her evidence to be clear and consistent.*
- *We find Officer C to have no malice, she was supporting OFFICER Ds and made an approach to check on him*
- *We note the indicate movement (tickle) to be consistent with descriptions from other officers.*

BREACH of STANDARDS

Having found the above facts proven, we have then considered individually and collectively if these facts constituted a breach of the standards of Discreditable Conduct and Authority Respect and Courtesy.

We note with particular concern that OFFICER Ds had been given clear and unambiguous instructions from his PRI which stated that:

*“Avoid making physical contact with any colleagues unless **specifically requested or agreed**, this includes invading personal space, adjusting kit, hugging or close personal contact for any other reason which is not required in the execution of police duties.”*

We note that this clearly applied to both the workplace and off duty. Furthermore, we note the cited caselaw that work social events can be considered an extension of the workplace. We find that consent was not specifically agreed for any of the allegations made and this is a clear violation of instructions.

We also note from Surrey Police’s Sexual Harassment Policy; Sections 5.3 which states:

“Sexual harassment includes a wide range of behaviours including but not limited to: ... Unwelcome touching, hugging, massaging or kissing...”

And Section 5.6 which states:

“An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether the approach was unacceptable or undignified.”

We therefore find that that the behaviour of OFFICER Ds on the night in question, fell within this definition of sexual harassment.

Bearing in mind the standards themselves:

Discreditable Conduct - Police officers will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing. And;

Authority Respect and Courtesy - Police Officers will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

We find that the collectively and individually the actions are a breach of both standards of professional behaviour.

SEVERITY

Following the staged process the Panel then considered the severity of the breaches of the Standards of Professional Behaviour and whether they were at a misconduct or gross misconduct level (that is, misconduct so serious as to justify disciplinary action or misconduct so serious as to justify dismissal).

Considering the College of Policing Guidance on Outcomes for the purposes of assessing seriousness at this stage, the Panel found:

OFFICER Ds has a higher of Culpability having regard to the factors laid out in the COP guidance:

- *The officer's actions were deliberate, targeted and intentional*
- *The consequences of the actions ought to have been foreseen, the officer had just received PRI for this exact topic and completed appropriate training.*
- *The actions could have constituted a criminal offence.*
- *As panel we are particularly concerned over the intimate nature of the touching of Officer A's bottom and knicker line.*

OFFICER Ds caused a medium to high level of harm:

- *Actual harm was experienced by Officers A, B and C.*
- *The harm was of a sexual nature*
- *Significant harm could be caused to the reputation of Surrey Police and Policing in general though the actions of OFFICER Ds.*

There were a number of aggravating factors present. Including:

- *The behaviour was predatory in nature*
- *The actions had malign intent, they were for personal gratification*
- *The behaviour was repeated and sustained over a period of time*
- *The behaviour continued after the officer ought have realised it was wrong, particularly concerning his recent PRI*
- *The actions were a significant deviation from clear instructions.*
- *The actions concern VAWG, an area of high national concern*
- *There are multiple proven allegations and breached.*

In addition, the Panel also considered the following mitigating factors:

- *OFFICER Ds believed consent was implied*
- *OFFICER Ds had previous physical contact with Officer A and stated (though disputed) they had previous physical contact with Officer B*
- *The officer was friends with Officer A outside of work and, though disputed, considered themselves to be friends with Officer B*
- *The officer stated a belief he would be warned if anyone felt uncomfortable*
- *The hug with officer C was consensual.*
- *Having considered the above mitigating factors, it was the Panel's view that these did not outweigh the culpability, severity of harm and aggravating factors considered.*

*Taking all of the above into consideration, the Panel found that the Officer's conduct was so serious and fell short of the Standards expected to such an extent, that their dismissal from Surrey Police would be justified. Accordingly, the Panel makes **a finding of Gross Misconduct in this matter for the breach of both standards.**"*

Applying the sanction.

26. Having made its findings on the facts, the breaches of the relevant professional standards and the level of Misconduct, and having heard representations from those

representing OFFICER DS and the AA, the Panel, having retired to consider its decision on sanction, gave its decision on the 3rd July 2025 as follows:

“In this matter, the Panel have followed the structured approach as set out in the College of Policing’s Guidance on Outcomes.

We reminded ourselves first of the purpose of imposing sanctions as set out in the College of Policing Guidance:

- 1) To uphold public confidence in and the reputation of the police service;*
- 2) To uphold high standards in policing and deterring misconduct; and*
- 3) To protect the Public.*

We then reminded ourselves that, as per section 2.8 of the Guidance, any sanction imposed must be “... no more than is necessary to satisfy the purpose of the proceedings” and therefore less severe outcomes must be considered before more severe outcomes.

We therefore considered the most appropriate outcome with respect to the following four areas:

- Culpability*
- Harm*
- Aggravating factors*
- Mitigating factors*

Culpability – As per our earlier deliberations on severity, the Panel found OFFICER Ds’ actions to be towards the higher end of culpability. The actions were deliberate, targeted and intentional. The potential consequences ought to have been foreseen, particularly given your recent PRI and training. The actions could have constituted a criminal offence. As a panel we were also particularly concerned over the intimate nature of some of the touching.

Harm – The Panel found OFFICER Ds actions to be at the medium to higher end of harm. Actual harm was caused to and experience by three female colleagues. The harm was of a sexual nature. Significant harm could be caused to Surrey Police and to policing in general.

Aggravating Factors – The Panel found that a number of aggravating factors were present. The behaviour was predatory in nature. The actions were with malign intent and the panel found them to be sexually motivated. The behaviour was repeated and sustained. His actions were a significant deviation from very recent, clear and unambiguous instructions. The actions concern VAWG, an area of national concern. Furthermore, there are multiple proven allegations and breaches.

Mitigating Factors – The Panel did however, find a number of mitigating factors were present and should be taken into account when considering the most appropriate outcome. We note the officer believed consent was implied, he had had previous contact and was friends with Officer A. He believed he was friends with officer B and alleges a previous hug with her (though disputed). We also note the hug with Officer C was consensual. We note that he believed he would be warned if he made anyone feel uncomfortable. We also note his service and track record, and the character evidence that has been supplied. We have also considered the medical evidence supplied, though note that this was not relied upon as a defence for his actions.

However, we also note the limited weighting that mitigation carries at this stage as set out by Lord Justice Maurice Kay confirmed in the Court of Appeal decision in the case of Salter (Salter v Chief Constable of Dorset [2012] EWCA Civ 1047, paragraph 23.) This reinforces the guidance as set out by Lord Bingham stated in Bolton v Law Society (Bolton v Law Society [1994] 1 WLR 512, paragraph 519B–E.) This is further reinforced by Mr Justice Holroyde in Williams v Police Appeals Tribunal ([2016] EWHC 2708 (Admin), paragraph 67).

Having deliberated on all these areas, the Panel then considered the most appropriate outcome which met the purposes of these misconduct proceedings. Mindful of the guidance to consider the least severe sanction that met the purposes of these misconduct proceedings, the Panel first considered lower sanctions, including a Final written warning, but determined that this would not meet the purposes of imposing sanctions as set out in the College of Policing Guidelines. The Panel concluded that the only sanction that would fulfil the purposes of the Police Misconduct Regime is dismissal without notice.

OFFICER D as such you are dismissed immediately and will be placed on the College of Policing barred list. You have the right of appeal to the Police Appeals Tribunal, details of which can be provided by the AA.

OFFICER D, you are still a young man, you have clearly erred in your behaviour. Please reflect on this and learn from this. I know that policing is a huge part of who you are. But it is not all of who you are, you have your whole life ahead of you. Do not let this be the defining influence on your life. Go on to do better, go on to make something of yourself.

To Officer B and C and particular Officer A, I am sorry for the distress you have experienced, you should always feel safe and secure and free from the potential of harm. You were not, on behalf of Surrey Police we apologise.

27. The Panel concluded on 3rd July 2025.

Assistant Police Constable Peter Gardner- Panel Chair.

Mr G. Lancaster- Independent Panel Member.

Ms. J.P. Cook-Independent Panel Member.

.....July 2025.