

**FORMER OFFICER 'A'**  
**DYFED POWYS POLICE**  
**DECISION NOTICE**

For the Accelerated Misconduct  
Hearing held on 11th March 2025

**The Hearing**

1. The accelerated misconduct hearing for Officer A was held in public at Dyfed Powys Police Headquarters, Carmarthen on Tuesday 11<sup>th</sup> March 2025.
2. The Appropriate Authority (AA) was represented by Miss Bryony Ballard of Sergeants Inn Chambers, the officer was represented by Police Constable Ceris Davies (Police Federation). The officer himself did not attend the hearing. Also present was the Investigating Officer, Detective Constable Melanie Williams.
3. It is my role to:
  - a. ascertain the facts, based on what is admitted by the officer and/or proven on the balance of probabilities;
  - b. determine, on the basis of those facts, whether the officer has breached the Standards of Professional Behaviour as alleged;
  - c. if so, determine whether any such breaches constitute misconduct or gross misconduct, or neither;
  - d. decide what the outcome should be.

**Relevant Legal Principals**

4. This is an **accelerated misconduct hearing** against a **former officer** who will be **absent** from the hearing having recently **resigned** from Dyfed-Powys Police. These proceedings are brought under the **Police (Conduct) Regulations 2020** ('PCR 2020').
5. The core purpose of professional regulatory proceedings, including police misconduct proceedings, is "*to protect the public ... and to maintain [profession's]*

*the high standards and good reputation” (Redgrave v Commissioner of Police of the Metropolis [2003] EWCA Civ 4 38).*

6. Overall, the purpose of these proceedings is
  - a. to protect public confidence and the reputation of the police service
  - b. to maintain high professional standards by demonstrating that misconduct of a certain kind/seriousness warrants a commensurate outcome and will not be tolerated
  - c. to protect the public and/or officers and staff from similar misconduct by determining an appropriate sanction.
7. It is for me to determine the procedure of the proceedings, in accordance with the **PCR 2020 (reg 61(1) PCR 2020)** the principles of natural justice and fairness and the **Home Office Guidance on police officer misconduct, unsatisfactory performance and attendance management procedures 2020 ('HOG')**.

#### **Approach to be Adopted**

8. I must first review the facts of the case and determine whether they are established. The standard of proof I applied is the civil standard of the balance of probabilities (**reg 41(6) PCR 2020**).
9. If the facts are satisfied and I consider them to be a breach of the Standards of Professional Behaviour, then I must consider whether, on the balance of probabilities, the officer's admitted or proven conduct amounts to gross misconduct (**reg 61(15)-(16) PCR 2020**). *Per reg 2 PCR 2020, “gross misconduct” means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.”*
10. At the outset, I am very conscious that an admission and/or finding of gross misconduct should not automatically lead to dismissal. Any sanction must address the objectives outlined above and is not intended as a form of punishment.
11. I have been careful not to apply too high a standard to guide my deliberations in this matter. I have not therefore applied a benchmark of perfection and have been careful to set a standard that reflects an adequate minimum level of behaviour

rather than an aspirational standard of perfection. Setting such a high expectation would not be fair, or appropriate, for the purposes of my decision making in determining an outcome, as the officer's previous police employment status rests upon my decision.

12. To guide my decisions I am guided by the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings (2023) ('**Outcomes Guidance**') and by the Home Office Guidance, ('the **HOG**').

## **PRELIMINARY MATTERS**

### **Anonymising Officer A**

13. On the 6<sup>th</sup> March 2025, I received written submissions for this matter to be heard in private to protect the identity, health and welfare of Officer A and persons associated with him. I determined however that, in the interest of transparency open justice and maintaining public confidence, I would hold a public hearing but provide the accused officer with anonymity. This I determined as a sensible proportionate and pragmatic step to ensure the wellbeing of other persons who could be identified, and targeted, if Officer A was named in public. I have reported my decision to the Office of the Police and Crime Commissioner.

14. In coming to the above decision I gave due regard to Regulation 53 of the Police (Conduct) Regulations which gives me authority to impose certain conditions upon a hearing. The **HOG** identifies relevant factors for me to satisfy in order to grant anonymity which, in this case, were primarily;

- a. The involvement or naming of any children – and
- b. The welfare of any third party that is not a complainant or witness.

### **Proceeding in the absence of Former Officer A**

15. As former officer A has decided not to attend these proceedings I must now decide if we can proceed in his absence.

16. Former Officer A was a serving police officer when he communicated and thereafter met with a known sex worker (8 May 2024 to 4 June 2024). He was also a serving officer when served with the Regulation 17 notice on 5 June 2024 [3 – 5].
17. The officer resigned with immediate effect on 28 February 2025 and his resignation was accepted by the Chief Constable.
18. It is agreed by all parties that there has been clear communication with the AA via email, indicating that former Officer A is not intending to attend this hearing. No legal representation has been secured, and his interests will be protected in his absence by the Police Federation. I am fully content that former Officer A has been served with all relevant documents and has had ample opportunity to receive and consider professional advice before the commencement of these proceedings.
19. The AA invites me to proceed in the officer's absence. Regulation 57 (3) permits me to proceed with and conclude a hearing in the former officer's absence (with emphasis added):

**“Attendance of officer concerned at accelerated misconduct hearing**

**57 (3) Where under paragraph (2) the officer concerned is allowed to and does so participate in the accelerated misconduct hearing, or where the officer otherwise does not attend the accelerated misconduct hearing –**

- (a) the officer may nonetheless be represented at the hearing by –
  - (i) a police friend, or
  - (ii) a relevant lawyer (in which case the police friend may also attend), and
- (b) the hearing may be proceeded with and concluded in the absence of the officer whether or not the officer is so represented. “

20. Former Officer A is content for the matter to proceed in his absence, as confirmed by his Police Federation Representative. It is also clear that I have discretion to make this decision in accordance with the above regulations. I consider it essential, in the public interest, to proceed in the officer's absence and so determine.

## **Anonymising Ms X**

21. Regulation 53 of the Police (Conduct) Regulations (PCR 2000) gives me authority to impose certain conditions upon a hearing. The **HOG** identifies relevant factors for me to satisfy in order to grant anonymity.

22. Based on the principles identified in the legislation and guidance, the AA has applied for the known sex worker, a key witness in these matters, not to be referred to by name in these proceedings, rather as Ms X, for the following reasons:

- a. Ms X is a vulnerable person with a drug habit. At the material time she lived in supported accommodation and her vulnerability was known and recognised by those who cared for and supported her;
- b. There is no need for her identity to be revealed during these proceedings. Her identity is not necessary for me to determine the matter;
- c. It is in the public interest that her identity should be protected in light of her vulnerability.

23. No objection was made to this application in relation to Ms X and I granted the anonymity order to protect the health and welfare of this witness.

## **THE CASE AGAINST OFFICER A**

### **The allegations**

**24. "On 8 May 2024 Officer A instigated contact with known sex worker, Ms X via telephone number (redacted). This has been admitted in interview by the officer on 2 July 2024. This contact continued up to and including 4 June 2024.**

**On five days the officer sent and received messages he was on duty: 11, 12 and 26 May and 1 and 2 June 2024.**

**The content, tone and / or intent of that contact was to secure and / or attempt to secure the services of Ms X for a sexual purpose. Messages sent by the officer included:**

- a. Messages of a sexual nature;**
- b. Offers of various payments ranging from £100 to £400 for sexual services;**
- c. Two images of an unknown naked male with an erect penis;**
- d. Making arrangements to meet on 4 June 2024 and agreeing a price for the provision of sexual services on this date.**

**Thereafter, on 4 June 2024 the officer collected Ms X in his own vehicle, index number (redacted) from outside supported accommodation. Ms X was a resident at the premises and is a known sex worker and drug addict.**

**The officer took Ms X to Market Street, Morriston where he had led her to believe that she was going to be paid for providing sexual services to him.**

**The officer told Ms X to enter an address on Market street and that he would park his vehicle and join her. He did not join her. Ms X had to return to (her accommodation) in a taxi she had to pay for.”**

#### **Breaches of the Standards of Professional behaviour**

- 25. “Officer A it is alleged that your behaviour as set out hereinbefore in paragraphs 5 to 11 above was a breach of the Standards of Professional Behaviour.**

**In particular you have breached the standards relating to Discreditable Conduct in that your conduct was plainly inappropriate, would not be expected of a police officer by members of the public and would bring discredit on the police service or undermine public confidence in policing.**

**It is alleged that these matters amount to gross misconduct, namely a breach of the Standards of Professional Behaviour that, if proved, are so serious as to justify dismissal.”**

- 26. The evidence is incontrovertible in this case. There are screen shots of the messages exchanged between Officer A and Ms X [117 – 129] leaving no doubt about the content, tone and /or intent. There is CCTV of former Officer A collecting the known sex worker from her supported accommodation [110 – 115]. There is a clear account from the former sex worker as to her communication with former**

Officer A, both as to the communication prior to the meet up and then following the same [87 – 92]. The former officer, in his Regulation 54 response [20] has accepted the allegations in their entirety.

27. In his Regulation 54 response former Officer accepts the conduct as alleged in the Regulation 51 Notice, which includes the severity of the conduct. During interview however the officer stated that his motivation was arising from loneliness rather than a desire for sexual services. This is contradicted by his text messages and the act of sending a picture of an erect penis to the sex worker. It is also clear that the officer disposed of his phone when he became aware that he was being investigated. The officer also started using software to automatically delete messages on his phone.

28. The officer's full admissions to the charges and breaches of the Standards of Professional Behaviour were confirmed by his Police Federation representative and that these actions constituted Gross Misconduct. I therefore, based upon both the incontrovertible evidence and the former officer's admissions, determine that his actions constitute gross misconduct.

### **Relevant law and Guidance**

29. In determining the appropriate disciplinary action, the Chief Officer should have regard to the College of Policing's *Guidance on outcomes in police misconduct proceedings* (2017) ("the outcome guidance") including the need to (page 15):

- a. assess the **seriousness** of the misconduct by reference to:
  - i. the officer's culpability for the misconduct;
  - ii. the harm caused by the misconduct;
  - iii. the existence of any aggravating factors;
  - iv. the existence of any mitigating factors;
- b. keep in mind the **purpose of imposing disciplinary action**; and
- c. choose the disciplinary action which most appropriately fulfils that purpose for the seriousness of the conduct in question (that is, to act proportionately).

30. The purpose of professional disciplinary proceedings is not, primarily, punishment, but instead to maintain the reputation of the profession in question and thus public confidence in that profession. Counsel for the AA has reminded me of the following legal provisions which, in addition to the matters listed above, are relevant to my decision making.
31. In *Bolton v. Law Society* [1994] 1 WLR 512 Lord Bingham MR said in the context of solicitors' 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*". This applies with equal force to police officers.
32. The **HOG** provides the following helpful guidance specifically regarding off duty conduct at para 2.18
- a. ***"As a result of the nature of the office of constable, a police officer is always subject to the Standards of Professional Behaviour even when off-duty. As such police officers should not behave in a manner that discredits the police service or undermines public confidence at any time ... In determining whether a police officer's off-duty conduct discredits the police, the test is not whether the police officer discredits themselves but the police as a whole"***.
33. The public are entitled to expect the highest standards of behaviour from their police officers, both on and off duty. Police officers should never act in a manner which could compromise their professional position. Neither should they undertake any activity which could give rise to concerns about their ability to discharge their professional duties with impartiality. The National Police Chiefs' Council ("**NPCC**") has published written guidance identifying the pitfalls of police officers using the services of sex workers. That guidance is clear: police officers, for many reasons, should not use nor attempt to use the services of sex workers. Police officers are trusted with protecting some of society's most vulnerable members which

specifically includes sex workers. Former Officer A's conduct is grossly in breach of that trust.

34. The **NPCC** guidance entitled "Sex Work National Police Guidance" (Version 2) was published in February 2024 and states.

***"The use of sex workers is now incompatible with the role of a police officer ... This position statement recognises that the role of policing within society is unique in its requirement to display impartiality ... It is imperative that the police build trust and confidence by retaining their impartiality and delivering upon their Safeguarding responsibilities on behalf of the public.***

***When police officers ... make use of services offered by sex workers there is an obvious significant risk that this is highly likely to undermine public trust. For that reason, police officers ... should not procure or attempt to procure physically provided commercial sexual services or other services. To do so would compromise their professional position.***

***... Officers ... should not ...***

- ***obtain services from on-street sex workers,***
- ***undertake any activity which could give rise to concerns about their ability to discharge their professional duties with impartiality;***
- ***undertake any activity which could give rise to concerns that their value were not aligned to those of the police service (for example in respect of ... failing to Safeguard);***
- ***Engage in any activity involving the provision of commercial sexual services which may expose them to increased risk of corruption by virtue of blackmail or risk loss of existing vetting clearance;***
- ***Engage in social media discourse relating to sex work that may bring the police service into disrepute ..."***

35. In relation to culpability, the officers conduct was clearly planned and targeted at obtaining the services of the sex worker. This is irrespective of the fact that the officer abandoned Ms X before sexual services were provided. Given the officer's rank (Acting Inspector) he was in a critical position of trust and responsibility within the organisation commanding significant police resources. He is an experienced supervisor and police leader and would have been fully aware of the risks and potential harm of his behaviour. Overall I consider his culpability to be high.

36. Officer A took advantage of a vulnerable sex worker who was a drug addict. The **Outcomes Guidance** is very clear that misconduct involving vulnerable persons is not to be tolerated – the fact of being a sex worker and substance abuser are both stated indicators of vulnerability, as the former officer should have well known.

37. The officer's actions have the obvious potential to negatively impact upon public perception and confidence in policing. It is clearly unacceptable for an officer to use the services of a sex worker, and such action can victimise and perpetuate the vulnerability of the sex worker. The use of sex workers is clearly incompatible with the role of a police officer. Where police officers make use of services offered by sex workers there is a real and obvious risk that this is likely to undermine public trust. For this reason police officer's should never procure or attempt to procure physically provided commercial sexual services. To do so compromises their professional position.

38. Police Officers legitimately deal with sex workers and their clients on a regular basis, and it is well known that there are significant risks associated with prostitutes and their handlers. Organised crime groups very often control prostitution and would no doubt target and attempt to blackmail or corrupt a police officer attempting to obtain sexual services. For the reasons set out in the above paragraphs, I consider that the actions of the officer were extremely risk laden and had the real potential to affect public confidence – particularly when this public judgement is released. I therefore consider the potential harm aspect of his offending to be high.

39. In terms of aggravating features I consider that the following apply to varying degrees

- a. There was a degree of planning and premeditation
- b. Sexual gratification
- c. Abuse of trust
- d. Continuing behaviour after the officer knew (or ought to have known) he was doing wrong
- e. Vulnerability of the sex worker
- f. Deviation from national guidance and expectations
- g. Rank and seniority of the officer
- h. Messages sent to the sex worker whilst he was on duty.

40. The **Outcomes Guidance** recognises [§4.61] how,

- a. ***“Policing has come under national scrutiny through high – profile cases where there has been a failing to prevent or protect women and girls from abuse and violence, and / or violence has been perpetrated by those serving the police. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated”.***

41. With respect to the **seriousness** of this officers offending, I have also considered sections of the **Outcomes Guidance** including ‘Violence, intimidation or sexual impropriety’ [paras 4.40 – 4.43] and ‘Abuse of position of trust or authority’ [paras 4.44 – 4.48] and ‘Misconduct involving a vulnerable person’ [paras 4.49 – 4.50]. Sex workers are specifically recognised as being vulnerable [para 4.52]. Overall it is clear to me that the officers offending is serious.

42. The officer negotiates the price for sexual services down from £400 to £100 and clearly was not fully open at interview about his true motivation. He doesn’t deny his breaches of the Standards of Professional Behaviour nor the messages and his actions in picking up and transporting the sex worker. He cannot however be said to have been fully open and truthful in relation to all aspects of the investigation.

43. In terms of mitigating factors the officer has explained a difficult family background. He has sought counselling but there is no evidence submitted of any health-related issue that could have any causal relationship to his offending behaviour. In his Regulation 54(1) response the officer indicates he has suffered from mental health issues from childhood. He states he has sought counselling and believes he should be categorised as having a disability. However as no medical evidence whatsoever has been submitted, and I cannot give meaningful consideration to this issue.

44. I have not received any testimonials or references in relation to this officer. I have however read and fully considered his record of service and note that he has no disciplinary findings and was awarded a Chief Constables Certificate of Commendation in 2019, for services to the community.

45. Having recorded a finding of gross misconduct I now consider that in the interest of public confidence and the objectives of the police misconduct regime outlined earlier in this document that I must record a misconduct outcome against former officer A. The only option available to me (other than no disciplinary action) is a finding that the former officer would have been dismissed if he had still been a member of a police force.

### **SANCTION DECISION**

46. I determine that had Officer A been a serving officer at the time of this hearing that only a sanction of immediate dismissal is commensurate and appropriate with the stated objectives of the misconduct regime – this sanction would have been applied, for the reasons I have outlined above.

47. I invited representatives from both the AA and the officer in respect of inclusion of the officer's details within the Police Barred list (Regulations 3(2)(1) and Police Advisory List Regulations 2017 none were received, and I therefore direct that the officers name be placed on the Police Barred List.

48. The officer has a right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The officer must provide notice of his intention to appeal to the Appropriate Authority within 10 working days of the service of this written determination.

Ian Arundale QPM  
Misconduct Hearing Chair  
Dyfed Powys Police  
49.

13<sup>th</sup> March 2025