

**IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020**  
**IN THE MATTER OF AN ACCELERATED MISCONDUCT HEARING**

**RE. FORMER POLICE CONSTABLE 1903 PHILLIP TAYLOR**

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**DETERMINATION OF CHIEF CONSTABLE 3239 WEBSTER**

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**Preliminary matters**

1. The accelerated misconduct hearing for former Police Constable 1903 TAYLOR was held in public on 18<sup>th</sup> October 2022. The Appropriate Authority was represented by DS Susan MOORE, and the officer, who was not in attendance for the hearing, was represented by Pete LITTLEWOOD from the Police Federation.
2. In advance of the hearing, an application was made on behalf of the officer for the hearing to be held in private and for PC Taylor to be anonymised due to concerns that PC Taylor's caution would be made public and that disclosure of the facts of his misconduct would cause embarrassment, upset or other detriment to his family. I have set out in a separate written determination dated 11 October 2022 my reasons for refusing this application.

**Allegations**

3. On the 3<sup>rd</sup> October 2022 the officer was served with a notice of accelerated misconduct hearing proceedings outlining two allegations, which if proven, were assessed as amounting to misconduct. Those allegations were:
  - (a) That on or around 12 February 2021 the officer knowingly possessed an extreme pornographic image which portrayed, in an explicit and realistic way, a person performing an act of oral sex with a live animal, namely a dog, which was grossly offensive, disgusting or otherwise of an obscene character contrary to section 63 (1) (7) (d) and 67 (3) of the Criminal Justice and Immigration Act 2008.

- (b) That on 1<sup>st</sup> July 2022 the officer received an adult caution for possession of an extreme pornographic video which portrayed, in an explicit and realistic way, a person performing an act of oral sex with a live animal, namely a dog, which was grossly offensive, disgusting or otherwise of an obscene character contrary to section 63 (1) (7) (d) and 67 (3) of the Criminal Justice and Immigration Act 2008.
4. In summary, it is alleged that PC TAYLOR's actions were a breach of the standards of professional conduct in respect of Discreditable Conduct, and that this amounted to Gross Misconduct.
5. The burden of proof is on the Appropriate Authority to prove that the officer behaved in the manner alleged and that in doing so, he breached the standards of professional behaviour. The Appropriate Authority must further satisfy me that the manner of the breach is of such a nature or degree that it amounts to gross misconduct. The standard of proof is on the balance of probabilities.
6. In the Officer's Regulation 18 Response dated 15 July 2022 he states that:
- (a) *"I confirm the video was found on my phone and therefore I accept the allegation contained in this notice and the breach of the Standards of Professional Behaviour and accept this amounts to Gross Misconduct."* (para 5)
- (b) *"I realise that this allegation means the Chief Constable will have no option other than to dismiss me from the Force."* (para 14)
7. The officer resigned on 15 July 2022 and has not responded to the Regulation 51 Notice.
8. At the outset of the proceedings I confirmed that the officer had been properly notified of today's proceedings [and his representative confirmed that he had and that he was voluntarily absent].

### **Determination of conduct**

10. In making my determination, I have assessed all relevant information made available to me in the supplied bundle. It was confirmed that all parties had access to the same information, and no submissions were made to introduce additional information on the day of the hearing. I have considered all representations made on behalf of the Appropriate Authority. None were made by the officer or their representative at stage one. I have utilised the relevant sections of the College of Policing Document '*Guidance on Outcomes in Police Misconduct Proceedings*' in formulating the rationale for my determination.
11. Before making my determination, I reminded myself of the definition of misconduct and gross misconduct as prescribed by regulation 2.
12. My findings are that both allegations were proven on the balance of probabilities, and that both collectively and individually, the breaches of professional standards constituted gross misconduct.
13. The basis for my finding of gross misconduct is that his misconduct exceeds the threshold of purely unacceptable or improper behaviour and reaches the threshold of being so serious that it constitutes gross misconduct. No party at the hearing argued against this view.

### **Determination of outcome**

14. Having determined that the breaches of professional standards taken individually and collectively constituted gross misconduct, I invited representations from the Appropriate Authority and the officer's representative on the appropriate outcome in this matter.
15. Submissions were not made on behalf of the officer.
16. Submissions were made by the Appropriate Authority that the conduct was so serious as to undermine public trust and confidence in the force.
17. My core duty here has been to ensure that whatever decision I make upholds public confidence both in Cleveland and in policing more widely. My role is not punitive as that is a duty that has already been considered and undertaken by the criminal justice

system. Throughout my deliberations, I have been resolutely focused on maintaining public confidence in Cleveland Police.

18. Any action I take today has been to balance the officer's rights proportionately with the requirement to maintain public confidence, and the public interest that may be served by retaining an experience officer of considerable service, and whom the force has invested considerable public money into training and equipping.
19. Having found earlier at stage one of proceedings that the conduct constitutes Gross Misconduct, and given that former PC Taylor is no longer a police officer the outcomes available to me are:
  - (a) To decide to take no disciplinary action;
  - (b) To decide that dismissal would have been appropriate.
20. I considered these potential outcomes in order from the lowest sanction (taking no action) through to dismissal and assessed them as to how they may meet the need to fulfil the purpose of the misconduct proceedings, and the purpose of imposing sanctions.

### **Seriousness**

21. I have considered the seriousness of the misconduct that gave rise to the officer's appearance at the hearing today, in accordance with the College of Policing's Guidance on Outcomes, and set out my conclusions and the reasons for them below.

### **Culpability**

22. I have considered the officer's culpability in this case and make the following observations:
  - (a) Whilst the officer did not invite the receipt of the extreme pornographic video, he did view the same and chose not to delete or report it which are steps that he could and should have taken, or to challenge it within the group. The officer, with his length of service, experience and posting will have been very aware of his duties and the criminal law in respect of the material he received. The appropriate authority has made submissions that the level of culpability is high, and I agree with that.

- (b) I also note that the guidance indicates that offences such as possession of indecent images are particularly serious and are likely to terminate an officer's career.

### **Harm**

23. I have considered the harm caused by the officer's actions in this case and make the following observations:

- (a) The possession and viewing of such extreme and disgusting material risks harm to the relationship of trust between the public and police. It is also likely to undermine conduct and good order within the police service. I acknowledge the harm caused by inappropriate circulation of material within chat groups and consider that this case is an example of the sort of material that cannot be tolerated within policing.

### **24. Aggravating Factors**

25. I have carefully considered the aggravating factors listed within the guidance and any other issues outside of those which may have been said to have aggravated the actions he took. I find that no additional factors apply over and above what I describe in the section on harm above.

### **26. Mitigation**

27. The purpose of mitigation is to reduce the seriousness of the conduct. I have reviewed the suggested mitigation within the guidance and find that his open admissions at an early stage, along with his apology and resignation show an understanding of his conduct and his remorse. I also note that the misconduct is confined to a single episode.

### **Personal Mitigation**

28. No personal mitigation has been put forward on behalf of former PC Taylor. I was reminded at the hearing of his apology, and also note that the officer had received a commendation for good police work back in 2015.

### **Determination**

29. I find as a consequence of the above that dismissal without notice would have been the appropriate outcome should the officer have remained in service. Gross misconduct, by definition, is misconduct so serious that dismissal is a justified outcome. Given the level of harm and culpability caused, and the absence of strong mitigating factors, I find that dismissal without notice would be the only option available to me had the officer not have resigned. The officer's behaviour has fallen far below the standards that I will accept within Cleveland Police and risks tarnishing the reputation of the many excellent officers who police professionally every day to protect the public. This officer has no place in the force. A reason for concluding that dismissal is the appropriate outcome is to send a clear signal that behaviour such as this will not be tolerated in this force.
30. As a consequence of the above I indicated that the officer's details would be included within the Police Barred List (Regulation 3(2)(l) of the Police Barred List and Police Advisory List Regulations 2017).
31. I am aware of the officer's right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The officer should provide notice of his intention to appeal to the Appropriate Authority within 10 working days of receipt of this written determination.

**Chief Constable Webster**  
**18<sup>th</sup> October 2022**