

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

POLICE CONSTABLE A

Misconduct Proceedings Determination Panel's Regulation 43 Report

Date of Hearing: 11/12/13 May 2026

Venue: Scotswood House, Stockton upon Tees

Chairperson: R. Baker ACO

Independent Member: S. Irwin

Independent Member: D. Haigh

Legally Qualified Person: A. Findlay

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1. This is the panel's report on the proceedings against Police Constable A under Part 4 of the Police (Conduct) Regulations 2020.
 2. The Chair of the Panel, had previously directed that nothing should be published in any form which might lead to the identification of PC A who was granted anonymity. Anonymity was also granted to PC X who was the complainant in respect of the misconduct hearing.
 3. The Chair also directed that during the proceedings any person observing the proceedings must not take any steps to record or take photographs of the proceedings.
 4. No audio recording of the proceedings, nor the regulation 30 notice will be released without the express written consent of the Chair of the Panel.

Allegations

Factual background:

PC [A] was at the relevant time a Response Officer based at B Relief Stockton.

On 18 October 2024 members of B Relief Stockton went on a night out at Bongo's Bingo in Middlesbrough. This included PC [A]. Other establishments attended during the evening included Macey Browns and Flares.

Allegation 1:

Between 23:00 on 18 October 2024 and 00:15 on 19 October 2024, whilst walking between Macey Browns and Flares, PC [A]:

Told [PC X] [they were] a "good looking [person]"

Place [PC A's] hand into the back pocket of PC X's jeans; and

Squeezed [PC X's] backside twice.

[PC X] did not consent to being touched on the backside in this manner by PC A, nor did [PC A] reasonably believe that [PC X] had consented to being so touched.

This breach is contrary to Discreditable Conduct and Authority, Respect and Courtesy Standards of Professional Behaviour.

In behaving in such a way you have acted in breach of the Standards of Professional Behaviour relating to:

Authority, Respect and Courtesy – you have not acted with self-control and tolerance or treated colleagues with respect or courtesy.

Discreditable Conduct – your conduct brings discredit on the police service and undermines public confidence in policing.

These matters are individually and/or collectively alleged to amount to gross misconduct, namely a breach of the Standards of Professional Behaviour that, if proved, is so serious that your dismissal would be justified.

The Misconduct Hearing

5. The panel were satisfied that all preliminary matters had been dealt with and that proper notice of the hearing had taken place.
6. The panel had received a written opening note from Counsel for the Appropriate Authority ('AA'), Mr. Mallett.
7. PC A was represented by Counsel, Ms. Smith, and they had support present for welfare reasons.
8. The Panel had received, and read in advance of the hearing, a bundle of evidential material consisting of 143 pages of evidence. The Panel received, and carefully viewed, CCTV camera footage from the night in question.
9. During the hearing the Panel also received a bundle of character references from PC A.
10. The Panel heard oral submissions from both Counsel prior to making their decision.

11. During formal interview and within the Regulation 31 response, PC A did not accept any of the allegations outlined. PC A denied that they had breached the Standards of Professional Behaviour and did not accept that their behaviour amounted to Misconduct or Gross Misconduct.
12. The burden of proof rested upon the AA throughout the proceedings with the AA required to prove every allegation, including any admitted to the requisite standard on a balance of probabilities.
13. There was no burden of proof placed upon PC A to prove any matter.

Witnesses and Evidence

14. The Panel heard evidence from PC X via a video link. Police Constable [REDACTED] and Police Constable [REDACTED] gave evidence in person at the hearing.
15. PC A gave evidence in their own defence.
16. The Panel asked a limited number of clarifying questions to all witnesses save for PC A.
17. The AA brings the allegations, and it is for the AA to prove them. The standard of proof is the balance of probabilities, that is to say whether they are more likely than not to be true. The balance of probabilities is a single unvarying standard. (see Home Office Guidance paragraph 9.10).
18. The Panel applied the following sequential approach in determining the relevant issues in these proceedings:
 - i Ascertain the facts whether admitted or found proven.
 - ii Determine whether based on the proven facts the officer breached the Standards of Professional Behaviour, alleged. If yes,

- iii Decide whether such breach constituted misconduct, gross misconduct or neither.
- iv Determine the appropriate outcome.

19. The Panel has read and carefully analysed all the evidence in the bundle. This included the addition of the Character References supplied to the panel on the second day of the hearing. The Panel took these into account at the first stage of the process as they related to credibility and propensity.

20. The Panel have heard evidence from four witnesses – PC A, PC X, PC [REDACTED], and PC [REDACTED]

21. The Panel have heard submissions from Mr. Mallet and Miss Smith and read the documents provided by both (opening from Mr. Mallet and character evidence of Miss Smith).

Findings

22. The Panel have taken all of the oral and written evidence into account when coming to the decision. This is a narrow allegation which is said to have taken place for a matter of seconds during the course of the evening of 18 October 2024 into 19 October 2024.

23. The Panel have noted that in relation to the events of the evening there are matters which were broadly agreed between the parties which we will summarise as follows:

- i Both PC A and PC X were present at a shift night out organised by PC [REDACTED] which took place on 18 October 2024.
- ii The event began with a meeting in The Swatters Carr, a public house in Middlesbrough. Members of the shift arrived during the course of the afternoon between around 2pm - 4pm. All present accept drinking alcohol throughout the course of the afternoon. PC A accepts

having 2 pints of lager / beer. PC X accepts having 2-3 pints of lager during that initial period.

- iii From there, once all were present, the group went on Teesside University to attend an event, Bongo's Bingo. The start time of that event was 6pm and all agree that the move from The Swatters Carr came between 5pm and 5:45pm in order to arrive early to secure a table where all present could sit together. Alcohol was available throughout the night.
- iv PC X and PC A agree that there came a point when PC X asked PC A to dance and took PC A by the hand. PC A remained seated and PC X accepts instigating this contact.
- v All witnesses agreed that all present were in good spirits and there were no issues at this point in the evening.
- vi Following Bongo's Bingo, a number of the shift went on to another bar, Macey Brown's. While in that venue the only matter of note was a conversation between [REDACTED] [REDACTED] a civilian who had been out with the shift group, and PC A. PC A accepts having a conversation with [REDACTED] in which PC A said words to the effect of "everybody will be jealous that you are be talking to me".
- vii The conversation between PC A and [REDACTED] was relayed to PC X by [REDACTED] who felt that PC A "loved [themselves]".
- viii Upon leaving Macey Brown's several members of the group headed toward another bar, Flares. This walk is captured on CCTV. The Panel has considered the CCTV in significant detail.
- ix During that walk PC A attempted to put their arm around PC [REDACTED] This is detailed within PC [REDACTED] statement (page 74). PC [REDACTED] describes PC A as standing to PC [REDACTED] right hand side and reaching around PC [REDACTED] back with [their] left arm. PC [REDACTED] then said to PC A "What are you doing?" at which point PC A removed PC A's hand from PC [REDACTED] hip and moved away. PC [REDACTED] did not think that there was any sexual motive for this contact and was not offended by it but did not think that it was appropriate for her, a newly

engaged person, to have someone's arm around her on a night out. PC [REDACTED] was very clear with us that this happened prior to the group reaching McDonalds en route from Macey Brown's to Flares. The Panel considers that this can be very clearly seen during the CCTV at around 7 minutes.

- x IMessages were exchanged between PC X, PC [REDACTED] and PC [REDACTED] on 19 October 2024 in the evening, around 7pm, which related to PC X's allegations.
- xi In those messages PC A was described as a "drunk [xx]" and a "silly little [xx] who had too much to drink" by PC [REDACTED]

24. The following matters were not agreed:

- i During her interview, PC [REDACTED] described PC A as being "touchy feely" and "huggy" throughout the day. PC A does not accept this characterisation.
- ii PC X describes a further incident of PC A putting their arm around PC [REDACTED] immediately prior to the allegation. PC X describes this as occurring after walking past McDonalds but before reaching Flares. PC A denies putting their arm around PC [REDACTED] on this occasion.
- iii Whether PC A told PC X that they are a "good looking [person]".
- iv Whether PC A placed their hand in PC X's rear jeans pocket and squeezes their buttock.
- v Whether PC X told PC [REDACTED] and PC [REDACTED] about their allegation toward PC A seconds after it occurred.

25. In order to resolve the disputed facts we have looked at each of the witnesses and the broader evidential canvass relating to all of the information which we have received within the bundle.

26. PC [REDACTED] appeared to us to be a witness who was attempting to assist us as best she could. She was clear, both in written and oral form, that certain things had occurred in a certain order and that certain things had not. When questioned she was consistent with her written account that she had

been touched by PC A on only one occasion, that being prior to walking past McDonalds (page 74). PC A had placed their left hand on PC [REDACTED] left hip. Words were said and PC A removed their arm. There was no further physical contact on that evening between PC [REDACTED] and PC A.

27. PC [REDACTED] could not recall that PC X had told her about any assault occurring on the evening while walking between bars. Had PC [REDACTED] have been given that information she felt that it would have stuck in her mind and she would have acted upon that information. She was friends with PC X both in and out of work. PC [REDACTED] first heard about the allegation made by PC X toward PC A on 19 October 2024 during the message exchange with PC X which took place that evening.

28. PC [REDACTED] also assisted us in our understanding of the events of that day. To our mind she was the most cogent and helpful witness before us. She told us that she had been the organiser of the day out and it was the best shift day out that she could remember. All present were enjoying themselves and in good spirits. She described PC A “huggy” and “touchy feely” and clarified that she had not been upset by them on the day and did not have any concerns about their actions. The actions were not in her view sexual.

29. Both PC [REDACTED] and PC [REDACTED] supported the idea that PC A’s behaviour during the night was not sexualised in any way. It is also fair to observe that others in the group (male and female) were exhibiting ‘huggy’ and touchy feely behaviour. The evidence supports the conclusion that the group are a closely bonded team who all get along very well and hugging / putting arms around each other was relatively commonplace among the group. An example of this appears early on the CCTV when PC A can be seen having PC A’s arms linked by two female officers upon leaving Macey Brown’s.

30. PC [REDACTED] was clear that she had not been told of any allegation of assault on the evening in question. PC X was her friend and had this been reported to her she would have remembered,

despite having been drinking. PC [REDACTED] would have expected that, if something had happened, it would have been reported to her as PC X was a friend.

31. PC X gave some evidence which was consistent with their initial statement, relating to a number of agreed matters such as the conversation PC A had with [REDACTED] the fact that at some point PC A had put his arm around PC [REDACTED] and the general chronology of the evening including a game of guessing the age of members of the shift which took place earlier in the evening. However, we found PC X's evidence on matters which were not within their statement and in respect of matters which were not supported or directly contradicted by other witness evidence, to be vague. Much of the detail was not recalled by PC X and for example they were unable to give the Panel a view in respect of the level of intoxication of PC A. Many answers to questions in cross examination related to matters simply not being recalled.
32. PC X was very clear that she had reported the assault seconds after it's occurrence to PC [REDACTED] and PC [REDACTED]. Neither PC [REDACTED] nor PC [REDACTED] supported the idea that the alleged assault was reported to them on the evening in question. While all had been drinking, we do not believe that had they been told about the assault on the night, as asserted by PC X both in their statement and in evidence, that they would not have recollected or acted upon this. We concluded in respect of this disputed fact that they were not in fact told until the next day.
33. PC [REDACTED] and PC [REDACTED] evidence was that, upon hearing about the incident the following day via snapchat, they decided to tell supervision when back at work. It is reasonable to suggest that because of this reaction they would have said something, either to PC A or supervision, on the night if it had been disclosed, as there was a Sergeant present.

34. PC X describes the main incidents as a sequence of events whereby PC A puts his arm around the waist of PC [REDACTED] brushing his hand against her backside and then very shortly afterwards drops back and places their hand in PC X's rear pocket having commented about them being "good looking". The incident with PC [REDACTED] is described by PC X as being PC A's right hand from the left side of PC [REDACTED]. This sequence of events does not occur on the CCTV prior to the group reaching McDonalds.

35. The Panel has very carefully reviewed the CCTV which follows the group from McDonalds to Sports Direct which is the section of the journey which was pinpointed in PC X's evidence where the incident occurred. The Panel can find no support for the allegation on that footage. The view of that part of the video would indicate to us that the incident, as described with PC [REDACTED] and PC X, did not occur during that period. As it does not occur anywhere else withing the CCTV which we have seen, which covers the whole of the walk between bars, any support for the occurrence would have to be based solely on the witness evidence.

36. We also carefully considered the recollection of PC A. In respect of the night as a whole PC A appeared to us to have a more accurate recollection than PC X. They accepted that they had put their arm around PC [REDACTED] and removed it when they realised that this was not welcome. They recalled being asked to dance by PC X while at Bongo's Bingo which was not a fact originally disclosed in the statement of PC X but later agreed by them.

37. The interaction with [REDACTED] in Macey Brown's seems to us a slightly odd one and we struggled to understand the motivation behind saying the words which PC A accepts were said to [REDACTED] in terms that the other girls would be jealous of her as she was speaking to PC A. It did not seem to us that those words would be of comfort to [REDACTED] as described by PC A but we did not find that interaction assisted in our overall determination of the allegation.

38. PC A has been consistent throughout that they did not place their arm around PC [REDACTED] for a second time on the walk to Flares. Likewise, PC A denies all of the behaviour which is detailed in the allegations against them. These two occurrences are linked in time – PC X says that they occurred within seconds of each other. We can find no support for this contention on the CCTV as we have already outlined. As we have already found PC [REDACTED] and PC [REDACTED] do not recall the incident being reported to them on the night and we find that this did not occur as described by PC X.

39. The Panel felt evidence provided by PC A was consistent and candid. PC A accepted certain points about the evening which did not form part of the misconduct allegations and came across, to us, as honest and genuine. Character evidence provided by 13 colleagues (9 female and 4 male) all describe PC A in a very positive manner supporting that their evidence was not a one off because of the hearing environment.

40. Overall we do not find, on the balance of probabilities, that it is more likely than not that the behaviour complained of by PC X occurred and on that basis do not find the matters proved.

Regulation 63 (2) - Right of Appeal

Appeal Process:

- **You have a right of appeal to the Appropriate Authority, but may only appeal on the following grounds:**
 - **The finding or disciplinary sanction imposed was unreasonable;**
 - **There is critical new evidence that could not reasonably have been considered at the misconduct hearing; or**

- **There was a serious breach of the procedures set out in the Police (Conduct) Regulations 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action**

If you wish to appeal you must do so in writing within 7 working days of receipt of this letter. Your letter should state the grounds for appeal, whether you require a transcript of the hearing in whole or part and whether or not you consent to the appeal being dealt with without a hearing.