

POLICE OFFICER MISCONDUCT HEARING

BETWEEN:

CHIEF CONSTABLE OF GWENT POLICE

APPROPRIATE AUTHORITY

AND

PC 2101 SEAN LLEWELLYN

OFFICER CONCERNED

OUTCOME

17TH AUGUST 2026

PARTIES AND REPRESENTATIVES

1. The Appropriate Authority ('AA' hereafter) is Gwent Police, represented by Mr Jonathan Walters (Counsel).
2. PC 2101 Sean Llewellyn ('the Officer' hereafter) is represented by Mr Andrew Kendall (Counsel). The Officer did not attend the hearing.

PANEL

3. The Panel is comprised of the following persons:

Chair – ACC Vicki Townsend

Independent Member –Ms Sian Russell

Independent Member – Mr Stephen Davies

LEGALLY QUALIFIED PERSON

4. Legally Qualified Person – Jonathan Miles Headington (Counsel)

BACKGROUND

5. The proceedings are brought by the AA under The Police (Conduct) Regulations 2020 (as amended).
6. It should be noted, that before the commencement of the hearing, the Officer resigned from his position with Gwent Police. As such, the Officer was treated as a former officer, for the purpose of the hearing.

Position of the AA

7. The AA set out the allegations brought against the Officer in its Regulation 30 Notice.
8. The AA therefore invited the Panel to continue based on the following:

‘The Standards of Professional Behaviour are applicable to your service. Your alleged behaviour as set out below allegedly engaged the following Standards of Professional Behaviour: Standard 7 - Confidentiality Standard 9 – Discreditable Conduct Police officers should only access police-held information for a legitimate or authorised policing purpose. Police Officers are expected to behave in a manner whether on or off duty which does not bring discredit on the police service or undermine public confidence in policing. You are alleged to have breached the above Standards of Professional Behaviour in the following ways:

Allegation 1

Discreditable Conduct

On or about 18 July 2021 you sent to Ms A, via your personal SnapChat [REDACTED] a photographic image of you holding your erect penis and a. the image was unsolicited and unwanted and/or in any event b. you identified yourself as a police officer by reason of that image and another photographic image sent by you.

Allegation 2

Confidentiality Discreditable Conduct On 15 April 2021 you unlawfully accessed information from police systems (Niche) relating to [REDACTED]

Allegation 3

Confidentiality Discreditable Conduct On 15 April 2021 you unlawfully accessed information from police systems (Niche) relating to [REDACTED]

Allegation 4

Confidentiality Discreditable Conduct On 15 April 2021 you unlawfully accessed information contained on police systems (Niche) relating to Mr. B.

Allegation 5

Confidentiality Discreditable Conduct On 15 April 2021 you unlawfully accessed information contained on police systems (Niche) relating to Ms. C.

The conduct set out in each allegation is alleged to constitute gross misconduct. Your behaviour set out above amounts to gross misconduct, in that it constitutes breach of the Standards of Professional Behaviour so serious that dismissal would be justified.'

Position of The Officer

9. The position advanced by the Officer is set out within his Regulation 31 Response. The response to each allegation is set out below:

'Allegation 1 – Discreditable Conduct

On or about 18 July 2021 you sent to Ms A, via your personal SnapChat account [REDACTED] a photographic images of you holding your erect penis and a. The image was unsolicited and unwanted and/or in any event b. You identified yourself as a police officer by reason of that image and another photographic image sent by you.

Response to Allegation 1

2. *It is accepted The Officer sent Ms. A a photograph of his penis (hereon referred to as "The Photograph"). It is denied that "The Photograph" was unsolicited or unwanted. The*

Officer will say “The Photograph” was part of a mutual exchange of photographs/messages of a similar sexualised nature. It is denied that sending “The Photograph” in these circumstances mounts to a breach of the standards of policing.

3. The Officer accepts he was identified as a Police Officer by an image preceding “The Photograph” and photographs sent on days following the sending of “The Photograph”. It is denied that the Officer was identified as a Police Officer in “The Photograph”. The Officer will say the Photograph was sent during his private life whilst not on duty.

4. It is denied that sending “The Photograph” in a mutual and consensual exchange of images/messages between consenting adults whilst off duty amounts to a breach of the standards of policing.

Allegation 2 – Confidentiality and Discreditable Conduct

On 15 April 2021 you unlawfully accessed information from Police Systems (Niche) relating to [REDACTED]

Response to Allegation 2

*5. The Officer accepts accessing information on Police Systems (Niche) about [REDACTED]
[REDACTED] It is denied this action amounts to a Breach of the Standards of Policing amounting to Gross Misconduct. It is averred the information was accessed to assist in developing intelligence for an intelligence report to be filed.*

Allegation 3 – Confidentiality and Discreditable Conduct

On 15 April 2021 you unlawfully accessed information from Police Systems (Niche) relating to [REDACTED]

Response to Allegation 3

6. The Officer accepts accessing information on Police Systems (Niche) about [REDACTED]
[REDACTED] It is denied this action amounts to a Breach of the Standards of Policing amounting to Gross Misconduct. It is averred the information was accessed to assist in developing intelligence for an intelligence report to be filed.

Allegation 4 – Confidentiality and Discreditable Conduct

On 15 April 2021 you unlawfully accessed information contained on Police System (Niche) relating to Mr. B

Response to Allegation 4

7. The Officer accepts accessing information on Police Systems (Niche) about Mr. B. It is denied this action amounts to a Breach of the Standards of Policing amounting to Gross Misconduct. It is averred the information was accessed to assist in developing intelligence for an intelligence report to be filed.

Allegation 5 – Confidentiality and Discreditable Conduct

On 15 April 2021 you unlawfully accessed information contained on Police Systems (Niche) relating to Ms. C

Response to Allegation 5

8. The Officer accepts accessing information on Police Systems (Niche) about Ms. C. It is denied this action amounts to a Breach of the Standards of Policing amounting to Gross Misconduct. It is averred that the Ms. C the Officer accessed was Ms. C of Mount Pleasant, Bargoed. The Officer was stationed in Bargoed Police Station at the time. any search for Ms. C would have been for a legitimate Policing purpose. '

HEARING

Preliminary Matters/Applications

- a. Anonymity/Reporting Restrictions - Third-parties – By way of prior application, an interim determination had been made in respect of whether the third-parties identified in the particulars of the allegations would be anonymised/reporting restrictions implemented. This interim decision to anonymise the names of the third-parties in question, with a reporting restriction in respect of the same, became a final decision, without further challenge being raised.
- b. Anonymity/Reporting Restrictions – The Officer - By way of prior application, an interim determination had been made in respect of whether the Officer's name would be anonymised. In the interim, this application was refused. The interim decision, became a final decision, without further challenge being raised.

Substantive Issues

10. At the outset, the proposed structure of the hearing was outlined. Both advocates were in agreement with that set out.
11. The applicable law, guidance and issues that remained in dispute were identified. Again, both advocates were in agreement that the relevant law, guidance and issues that remained in dispute had been correctly identified as requiring determination by the Panel.

Evidence for Consideration

12. The Panel considered the content of the bundle filed in advance of the hearing. Additionally, a statement which identified the Officer's previous good character was provided.
13. The Panel was also provided with an opening note prepared by Mr Walters on behalf of the AA.
14. The Panel heard live evidence from Ms A (dealt with below).
15. The panel members heard submissions provided on behalf of the advocates in attendance.

Factual Matrix – Determination of Outstanding Issues

16. As outlined above, the advocates agreed that the appropriate way to deal with matters would be for the Panel to determine a factual matrix, before inviting further submissions on whether the findings amounted to a breach of the standards outlined.
17. As such, the Panel invited submissions from both advocates in respect of the same.
18. Upon consideration of the evidence before it, and upon application of the relevant legal principles/guidance, the Panel reached and subsequently delivered the following determination:

Allegation 1

a. Accepted -

The Officer accepted that he had sent to Ms A, via his personal Snap Chat account (under a pseudo name) a photograph of his penis. The Officer disputed the chronology put forward by Ms A as to when this took place and how this situation came about.

The Officer accepted that he identified himself as a police officer by way of further images sent at a later point in time and confirmed the same in writing.

b. Disputed -

The following issues were identified as being in dispute:

- i. The chronology as to how the situation developed;
- ii. That the image of his penis was unsolicited and unwanted;

- iii. The Officer disputes that he was identifiable as a police officer by reason of the image of his penis, but does accept that he identified himself as a police officer by way of further images sent at later points in time, and also confirmed the same in writing.

c. Consideration of Evidence -

- i. Ms A attended the hearing to give evidence. She was formally called by the AA, and confirmed the accuracy of her statements, which she stated were true to the best of her knowledge and belief. No further questions were asked of Ms A. Her evidence was therefore unchallenged.
- ii. The Officer did not attend. The Panel was invited to proceed based on the written evidence contained within the bundle. The Panel determined that it could give limited weight to this evidence in the circumstances, but at all times reminded itself that the burden of proving any case against the Officer, lay with the AA.
- iii. The Panel attached a great deal of weight to the way in which Ms A reported the incidents in question to the police, and the ongoing further reporting at the time at which each subsequent message was received. The Panel found that Ms A had been consistent in her account throughout. The Panel found that Ms A to be a credible and reliable witness.

d. Findings -

The Panel found the following as fact:

- i. On 18th July 2021, Ms A opened messages that had been received from the Officer, who had previously added Ms A on Snap Chat. Ms A had not had any prior communication with the Officer before to this date, the Officer was unknown to Ms A.

- ii. Ms A provided the username of the Snap Chat account from which the communication was received to South Wales Police.
- iii. Ms A confirmed that the first image received by her, enabled her to identify the Officer, as a member of the police as a result of the police uniform worn by him in the photograph.
- iv. In an attempt to remove the initial image from her screen, Ms A tapped the screen of her mobile phone. In doing so, it revealed a second image of a close up of an erect penis held in the male's hand. As part of this photograph, Ms A was able to identify the clothing worn by the male in question, as being police style trousers and black police boots. Underneath the photograph of the erect penis Ms A believed that there was a caption which read words to the effect of: 'Had a long shift at work today lol.'
- v. Ms A sent a message to the account from which the image was received asking 'are you a cop?'
- vi. Ms A reported receipt of the image in question, upon having sight of the image, to South Wales Police almost immediately on 18th July 2021.
- vii. South Wales Police attended at the home of Ms A on 18th July 2021 as part of the investigation.
- viii. On 19th July 2021, Ms A received a further messages from the account in question. This was in the form of a message responding to the question initially raised by Ms A as to whether the Officer was a 'cop'. The Officer responded with 'yeah?'. The message was opened in front of the attending officers.
- ix. As a result of the complaint made, South Wales Police undertook further inquiries in an attempt to identify the user of the account in question. On 28th July 2021 another individual was interviewed with a mobile device being seized. On the 30th July 2021 it was confirmed they had no involvement in the investigation.

- x. On 28th July 2021 Ms A received a further image from the account in question. This image clearly identified the individual as being a police officer due to the uniform worn, and the photograph appearing to have been taken in the workplace, whilst on duty. The following caption was also included in the photograph: 'Tile [sic] to go home yet'
- xi. Ms A took a photograph of the disappearing image, with another mobile device, and produced this image to South Wales Police. This image clearly shows the face of the officer in question.
- xii. On 31st July 2021 Ms A received another photograph from the same Snap Chat account. This photograph was of the same individual, with a caption which read: 'I moan a lot about my job. I hate day shifts. 🙄'. This photograph showed the individual as being dressed in police uniform, with the background to the photograph appearing to show that it had been taken in the workplace. Upon viewing the photograph, Ms A received a further message with the following question being raised: 'Replayed?' Both of these communications were again reported to South Wales Police.
- xiii. A further image was received from the same Snapchat account in early August 2021. The image was of the same male who appeared topless covered in a duvet with distinctive tattoos on display.
- xiv. On 16th August 2021, South Wales Police contacted other Welsh police forces in their ongoing attempts to identify the male in question.
- xv. On 17th August 2021, a member of Gwent Police confirmed that the photograph was of a serving member with the force named PC Sean Llewellyn.
- xvi. On 18th August 2021, the Officer was arrested on suspicion of malicious communications. During interview on the date in question, PC Sean Llewellyn accepted sending an image of his penis to Ms A, but disputed the circumstances as to how the relationship had developed before sending the same.

xvii. Further, in respect of the identified issues in dispute, the Panel found that:

- a. The image of the Officer's erect penis was both unsolicited and unwanted by Ms A;
- b. The Officer was identifiable as a police officer as a result of the uniform worn in the image showing the erect penis. Additionally, the Officer was identifiable as a result of the prior image received, and the numerous images received thereafter, by way of his uniform being on display. The Officer also confirmed that he was a police officer, in response to a message sent by Ms A;
- c. The Officer has taken photographs of himself, in police uniform, at a police station, whilst on duty. The Panel could not determine whether these were sent during a shift, and accordingly made no findings in that regard.

Allegation 2

- a. Accepted -

The Officer accepted that he accessed the information on police systems (Niche).

- b. Not accepted -

The Officer stated that this information was accessed to assist in developing intelligence for an intelligence report to be filed.

- c. Assessment/Findings -

- i. The Officer accepted that he accessed the information alleged.
- ii. The Officer's own reason for accessing the system was to check whether an intelligence report had been created for a previous call at the property, made by a

person with whom he lived at the time. It subsequently transpired that the Officer became a landlord of this property in November 2021. The Panel found that this of itself, was not a legitimate use of the system for policing purposes. The Officer confirmed that he did not bring the search to the attention of any others within the force, at any point, nor did he submit an intelligence report in respect of this search. The Panel found that the information was not accessed for the purpose of developing intelligence for an intelligence report to be filed.

Allegation 3

a. Accepted -

The Officer accepted that he accessed the information on police systems (Niche).

b. Not accepted -

The Officer stated that this information was accessed to assist in developing intelligence for an intelligence report to be filed.

c. Assessment of Evidence/Findings -

i. The Officer accepts that he accessed the information alleged.

- ii. The Officer's own reason for accessing the system was to '*be proactive and to submit intelligence*'. This information concerned a neighbouring property to the property of which the Officer subsequently became a Landlord in 2021. The Panel found that this was not a legitimate use of the system for policing purposes. The Officer confirmed that he did not bring the search to the attention of any others within the force, at any point, nor did he submit an intelligence report in respect of this search. The Panel found that the information was not accessed for the purpose of developing intelligence for an intelligence report to be filed.

Allegation 4

a. Accepted -

The Officer accepted that he accessed the information on police systems (Niche).

b. Not accepted -

The Officer stated that this information was accessed to assist in developing intelligence for an intelligence report to be filed.

c. Assessment of Evidence/Findings –

- i. The Officer accepted that he accessed the information alleged.
- ii. The Officer's own reason for accessing the system was to *'be proactive and to submit intelligence'*. This information concerned a neighbour living next door to the property of which the Officer subsequently became a Landlord in 2021. The Panel found that this was not a legitimate use of the system for policing purposes. The Officer has confirmed that he did not bring the search to the attention of any others within the force, at any point, nor did he submit an intelligence report in respect of this search. The Panel found that the information was not accessed for the purpose of developing intelligence for an intelligence report to be filed.

Allegation 5

a. Accepted -

The Officer accepted that he accessed the information on police systems (Niche).

b. Not accepted -

The Officer stated that this information was accessed to assist in developing intelligence for an intelligence report to be filed.

c. Assessment of Evidence/Findings -

- i. The Officer accepted that he accessed the information alleged.
- ii. The Officer's own stated reason for accessing the system was '*probably a policing reason*' but could not remember accessing her details. This information is believed to have been accessed in respect of a tenant at the above property. The Panel found that this was not a legitimate use of the system for policing purposes. The Officer has confirmed that he did not bring the search to the attention of any others within the force, at any point, nor did he submit an intelligence report in respect of this search. The Panel found that the information was not accessed for the purpose of developing intelligence for an intelligence report to be filed.

Breaches of Standards of Professional Behaviour

19. Upon delivery of the above outlined determination, the Panel invited submissions on whether the identified standards had been breached. Given the previous reference to Article 8, put forward by the Officer, submissions were also invited on this issue.
20. Mr Kendall, on behalf of the Officer confirmed, that in light of the findings resulting in the above outlined factual matrix, no submissions would be made in relation to Article 8.
21. The Panel was reminded of the definitions of the relevant standards in question and was given appropriate guidance concerning determination of the same.
22. Both advocates confirmed that they were content for the panel to consider whether the allegations amounted to misconduct/gross-misconduct, as part of the same adjournment, if the Officer was found to have breached of the relevant standards. Submissions were therefore made to incorporate this possibility.
23. The necessary '*former officer*' amendments to the misconduct/gross misconduct definitions, were identified for the Panel. Regulation 2(1) of the Conduct Regulations (incorporating the modifications for former officers as required by Schedule 1) makes clear that:

- a. *'Misconduct' is defined as '...a breach of the standards of Professional Behaviour that is not so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable';*
- b. *'Gross Misconduct' is defined as '...a breach of the Standards of Professional Behaviour that is so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable'*

24. The Panel was made aware of how it should approach the exercise under Regulation 41 (16) of the Conduct Regulations This sets out the following:

'The person or persons conducting the misconduct proceedings must not find that the conduct of the officer concerned amounts to misconduct or gross misconduct unless—

(a)they are satisfied on the balance of probabilities that this is the case, or

(b) The Officer admits it is the case.'

25. The relevant guidance concerning the required assessment was provided to the Panel.

26. Upon giving consideration to the evidence and submissions advanced, and upon application of the relevant legal tests and principles, the Panel made the following determinations:

Do the Findings Amount to a Breach of the Standards of Professional Behaviour

Allegation 1 – Discreditable Conduct

- a. The Panel found that the Officer had breached this standard. For the avoidance of doubt, the Panel confirmed that if any Article 8 case had been pursued in respect of this allegation, the Panel indicated that it felt any interference with any Article 8 rights, would have clearly been proportionate when considering the circumstances of this case.

Allegation 2 - Confidentiality and Discreditable Conduct

- b. The Panel found that the Officer had breached both of these standards.

Allegation 3 - Confidentiality and Discreditable Conduct

- c. The Panel found that the Officer had breached both of these standards.

Allegation 4 - Confidentiality and Discreditable Conduct

- d. The Panel found that the Officer had breached both of these standards.

Allegation 5 - Confidentiality + Discreditable Conduct

- e. The Panel found that the Officer had breached both of these standards.

27. Upon reaching the above conclusions, the Panel then considered whether the above, taken individually and/or collectively, amounted to misconduct, gross-misconduct, or neither.

Do the Findings Amount to Misconduct/Gross Misconduct?

28. In undertaking its assessment of seriousness, the Panel considered the well-established approach, as outlined by Popplewell J in the case of Fuglers LLP v SRA [2014]. At paragraph 29 of the judgment, he sets out the following:

'In assessing seriousness the most important factors will be

(1) the culpability for the misconduct in question and (2) the harm caused by the misconduct. Such harm is not measured wholly, or even primarily, by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover the seriousness of the misconduct may lie in the risk of harm to which the misconduct gives rise, whether or not as things turn out the risk eventuates. The assessment of seriousness

will also be informed by (3) aggravating factors (eg, previous disciplinary matters) and (4) mitigating factors (eg, admissions at an early stage or making good any loss).’

29. The Panel’s assessment of seriousness, is as follows:

Allegation 1

a. Culpability –

- i. An intentional act that was unsolicited.
- ii. Abuse of position of trust or authority.

b. Harm –

- i. Ms A states that she already suffered with a number of emotional/psychological conditions as a result of an unrelated incident. The incidents have therefore had further impact on Ms A, which has resulted in her feeling suicidal. She reports that the incidents have caused psychological distress and damage to health.
- ii. Ms A stated that pre-existing physical ailments have been exacerbated by the Officer’s behaviour.
- iii. Ms A reports that she was ‘mortified and physically sick’, resulting in her vomiting four times on the day she received the image of the Officer’s penis, and on numerous days thereafter.
- iv. As a result of the investigation an innocent officer was interviewed as a result of the pseudo name used by the Officer for his Snap Chat account. This created a risk of reputational harm to the Officer in question.
- v. There is an overarching risk of harm to the police in general. Such behaviour can and undermine the public confidence in policing.

c. Aggravating Factors –

- i. Pseudo name – The Panel identified this but did not attach any weight to this to ensure that '*double counting*' did not take place.
 - ii. Sexual nature of the communication – The Panel identified this but did not attach any weight to this to ensure that '*double counting*' did not take place.
- d. Mitigating Factors –
- i. The Panel did not find any mitigating factors.

Allegation 2

- a. Culpability -
- i. The Officer's behaviour was deliberate and for his own personal gain.
 - ii. Operational impropriety/Data protection and misuse.
- b. Harm -
- i. Reputational harm – There is an overarching risk of harm to the police in general. Such behaviour can and undermine the public confidence in policing.
- c. Aggravating Factors – No further factors over and above those set out above.
- d. Mitigating Factors – No mitigating factors present.

Allegation 3

- a. Culpability -
- i. The Officer's behaviour was deliberate and for his own personal gain.

- ii. Operational impropriety/Data protection and misuse.
- b. Harm -
- i. Reputational harm – There is an overarching risk of harm to the police in general. Such behaviour can and undermine the public confidence in policing.
- c. Aggravating Factors – No further factors over and above those set out above.
- d. Mitigating Factors – No mitigating factors present.

Allegation 4

- a. Culpability -
- i. The Officer's behaviour was deliberate and for his own personal gain.
 - ii. Operational impropriety/Data protection and misuse.
- b. Harm -
- i. Reputational harm – There is an overarching risk of harm to the police in general. Such behaviour can and undermine the public confidence in policing.
- c. Aggravating Factors – No further factors over and above those set out above.
- d. Mitigating Factors – No mitigating factors present.

Allegation 5

a. Culpability -

- i. The Officer's behaviour was deliberate and for his own personal gain.
- ii. Operational impropriety/Data protection and misuse.

b. Harm -

- i. Reputational harm – There is an overarching risk of harm to the police in general. Such behaviour can and undermine the public confidence in policing.

c. Aggravating – No further factors over and above those set out above.

d. Mitigating Factors – No mitigating factors present.

30. The Panel also noted that when considering Allegation 2-5 collectively, the behaviour can be properly described as continuing after the Officer should/would have realised that his conduct was improper. The behaviour resulted in multiple victims and multiple breaches of the standards.

31. Upon carrying out the above assessment of seriousness, the Panel found the following:

Allegation 1 –

- i. A high level of culpability and a high level of harm. – High level of seriousness.

Allegation 2 –

- ii. A high level of culpability and a high level of harm. – High level of seriousness.

Allegation 3 –

- iii. A high level of culpability and a high level of harm. – High level of seriousness.

Allegation 4 –

- iv. A high level of culpability and a high level of harm. – High level of seriousness.

Allegation 5 –

- v. A high level of culpability and a high level of harm. – High level of seriousness.

The Panel found that taken individually or collectively, the behaviour amounted to gross misconduct.

Decision on Outcome

- 32. Upon delivering the above decision, the Panel sought submissions from the advocates in respect of outcome. The applicable legal tests were set out, along with relevant legal principles and guidance.

Applicable Legal Principles/Guidance

- 33. In dealing with ‘outcome’ of the proceedings, the panel considered the Regulations and College of Policing Guidance on Outcomes in Police Misconduct Proceedings (the ‘COP Guidance’).
- 34. In relation to proceedings concerning former officers, paragraph 3.31 of the COP Guidance sets out the following:

*‘A panel that finds that the conduct amounts to misconduct only will record the finding but can take no further action. **Where the panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action or no disciplinary action.** Where the finding is gross misconduct and disciplinary action is imposed, **this can only be that the Officer would have been dismissed if still serving.** No other sanctions can be enforced. If the finding is gross misconduct but the panel determines that dismissal is not justified, **then no action will be taken and the gross misconduct will be recorded**’*

35. Paragraph 2.3 of the COP Guidance provides the following threefold purpose of the regime:

- a. Maintaining public confidence in and the reputation of the police service;*
- b. Upholding high standards in policing and deterring misconduct;*
- c. Protecting the public.*

36. The above outlined principles are derived from established case law concerning professional disciplinary proceedings. The case law in question was brought to the attention of the Panel.

37. The COP Guidance provides further examples of case law from which these principles are derived.

38. Paragraph 28 of the judgment of Popplewell J, in the case of *Fuglers LLP v SRA* [2014] sets out the three-stage test that must be followed in reaching a decision on outcome. The test is also set out in the COP Guidance (paragraph 4):

- i. to assess the seriousness of the misconduct;
- ii. to keep in mind the purpose of imposing sanctions (three-fold purpose outlined above); and
- iii. to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

39. The Panel was reminded of the comments of Holroyde J in the case of *Williams v The Police Appeals Tribunal* [2016] EWHC 2708, that deal with the weight that can be attached to personal mitigation. Holroyde J states that ‘...*the importance of maintaining public confidence 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*’.

Sanction

40. Based on the above, the Panel determined **that if the Officer had remained an employee of the Force, that the only proportionate response to his conduct would have been dismissal with immediate effect.**

41. The Panel also confirmed that if it had been pursued, and they had been invited to specifically deal with Article 8, it would have determined that the outcome decision would amount to proportionate interference when considering the circumstances of this case.

Ancillary Matters

42. The Panel confirmed that the previous decisions in respect of the third-party anonymity/reporting restrictions, would remain in place, post conclusion of the proceedings.

Barred List

43. The Officer's name is to be included on the barred list.

Publication of Decision

44. The AA is required to publish the decision. Any addresses relating to any third-parties are to be redacted.