THAMES VALLEY POLICE

IN THE MATTER OF THE POLICE ACT 1996

AND
THE POLICE CONDUCT REGULATIONS 2020

AS AMENDED BY
THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

NOTIFICATION OF FINDINGS AND OUTCOME: REGULATION 43 REPORT

FORMER PC 6585 SHANE RICHARDSON

Hearing
19th December 2025
In person hearing at Thames Valley Police HQ, Kidlington, Oxfordshire

Panel
Chair: DCC Paul Mills QPM
Independent member: Ms Rachel Forster
Independent member: Ms Sarah Carter
Legally Qualified Advisor (LQA): Ms Jane Jones

Representatives
Counsel for Appropriate Authority: Adam Keenaghan
Counsel for the former Officer: None
Police Federation representative: Rob Baker

Decisions Summary
The decision of the panel was that the facts of the allegation set out in the Regulation 30 Notice are proved. On 27th September 2024 the former Officer attended for duty whilst unfit through alcohol. Using a calibrated Drager breathalyser device, he provided a breath sample which contained 50 mμ of alcohol in 100ml of breath.

The **Standards of Professional Behaviour** breached are

- Fitness for Duty
- Orders and Instructions
- Discreditable Conduct

The conduct amounts to **gross misconduct.**

The outcome is that the former Officer would have been dismissed without notice if he were still serving. His details will go on the barred list.

1. Introduction

(i) This is a record of the decision of a Police Misconduct Panel held under the Police (Conduct) Regulations 2020, as amended in 2024. All references to the Regulations are to these regulations unless specified otherwise.

(ii) There may be slight differences between this written document as compared to any full transcript of the hearing. If that is the case, this written document should be regarded as the definitive version.

(iii) The proceedings relate to former PC 6585 Shane Richardson. This Officer resigned shortly before the hearing and his last day of service was 18th December 2025. He was therefore a former officer on the hearing day and is referred to in this document as the 'former Officer'.

(iv) A public notice giving details of the hearing was published on the Thames Valley Police website in the usual way from the week preceding the hearing.

(v) The hearing was conducted in person from the Thames Valley Police Headquarters at Kidlington, Oxfordshire. There were no restrictions on public access. One member of the public and a representative of the OPCC attended.

(vi) The former Officer was not legally represented in these proceedings. However, he was actively represented by his Police Federation Friend until his resignation at the beginning of December 2025. After this the former Officer provided no further instructions but maintained contact. His Federation friend attended throughout the hearing and confirmed his position where appropriate.

(vii) The former Officer did not attend the proceedings, although he had answered questions in interview, submitted a formal Regulation 31 Response and provided instructions to his Police Federation friend throughout almost the entirety of the process. At the start of the hearing the Appropriate Authority made an application to proceed in his absence. There was no opposition to this or application on behalf of the former Officer to adjourn the proceedings. The LQA provided advice, and the Panel decided to proceed in the absence of the former Officer, for reasons which were given publically.

2. The Regulatory framework

As the police misconduct regime has undergone recent changes, it is worth confirming the current position:

(i) The proceedings were conducted under the Police (Conduct) Regulations 2020, the matter in question having come to the attention of the relevant Appropriate Authority after February 2020.

(ii) The first tranche of the 2024 Police (Conduct) (Amendment) Regulations, principally affecting the composition of the Panel, is now in force. These proceedings were chaired by a senior police officer because the Regulation 30 Notice was served after 7th May 2024.

(iii) The second tranche of amendments came into force on 28th May 2025, in the form of the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025. The conduct in question here took place prior to the commencement date of 28th May 2025, and was already the subject of investigation at this time, so Part 3 of the 2025 amendments (affecting outcome options) did not apply. Where proceedings concern a former officer, and the Regulation 30 Notice is not served until after 28th May 2025, the Schedule to the new regulations does apply. The Schedule introduces the presumption of an accelerated hearing for a former officer. In this particular case, this did not occur because the Officer was not a former Officer at the time when the Regulation 30 Notice was served, and in any event the Appropriate Authority would have considered a full hearing to be necessary, given the contested nature of the allegation.

(iv) The relevant Home Office Guidance is the February 2020 version.

(v) The relevant Guidance on Outcomes is the March 2023 version.

(vi) The College of Policing's Code of Practice for Ethical Policing came into effect on 6th December 2023. This is guidance for senior officers and pre-dates the relevant conduct.

(vii) The College of Policing's Guidance for Ethical Policing and Professional Behaviour in Policing and its Ethical Policing Principles were both published on 24th January 2024. These documents together in effect supplement the College of Policing's Code of Ethics in relation to conduct and Standards of Professional Behaviour. These documents were in force and available at the relevant time. They have been applied by the Panel accordingly.

3. <u>Background</u>

(i) The former Officer joined Thames Valley Police in 2008 and served as a constable in various roles. His last substantive position was a part of the Problem-Solving Unit, following which he had a period of sickness absence. He returned to work with effect from 23rd September 2024 on a phased return which involved him working four hours a day, and he was placed on the Pro-Active Team. For the first four days of this new routine the former Officer worked an agreed morning shift. On the 27thSeptember he was due to work from 12.00 to 16.00 at his own request for personal reasons.

(ii) The evidential file provided the Panel with information regarding the former Officer's relationship with alcohol over a period of several years. The Panel regarded this as

contextual only and judged the events of the 27th September 2024 on their own merit. It was clear however that Thames Valley Police had provided considerable advice and support to the former Officer over a significant period of time, and that he also had access to external professional assistance with regards to his drinking habits.

4. Pre-hearing

(i) There was a pre-hearing of this matter on 29th October 2025. A written summary of this was prepared by the Chair and circulated to the parties in accordance with Regulation 33(15).

(ii) The pre-hearing was held online and in private. It was attended by the Chair, the LQA, Counsel for the Appropriate Authority, the former Officer's Police Federation Friend, the Misconduct Proceedings Manager and the Investigating Officer.

(iii) At the pre-hearing adherence to the regulatory framework was confirmed. There were no outstanding issues of disclosure or editing. The former Officer's position was clarified. It was confirmed that no Equality Act issues were to be raised, either with regards to matters relevant to conduct or reasonable adjustments. Various directions were made and subsequently complied with. No requests were made for any witness to give live evidence and no such directions were made live, although this was kept under review and some provisional arrangements were made.

(iv) At the pre-hearing a preliminary legal argument was identified with regard to the admission of the evidence of the breathalyzer process, as only one sample of breath had been provided, contrary to the relevant policy. Detailed written submissions were subsequently directed by the Chair and made on behalf of the Appropriate Authority and the former Officer. Written advice was then prepared by the LQA and provided to both parties. The Chair considered all of this and went on to decide that this evidence should be admitted, but that it would be for the whole Panel to decide how much weight to give this evidence. A detailed rationale, which is not reproduced in this document, was produced by the Chair and provided to both parties.

5. Allegations: The Appropriate Authority's position

(i) The Appropriate Authority served a Regulation 30 Notice on the former Officer on 10.09.25, when he was still a serving officer. The full particulars of the allegation within this notice are as follows:

On 27th September 2024, you attended for duty at Milton Keynes Police Station,

At approximately 12.15pm a colleague suspected that she could smell alcohol on your breath and you were subsequently asked to undergo a breath test at about 12.30pm.

Using a calibrated Drager breathalyzer device, a sample of breath was obtained which showed your breath sample contained 50µg of alcohol per 100 ml of breath.

Given that you were required to have less than 13µg of alcohol per 100ml of breath when on duty, those results indicated that you were not fit for duty.

(ii) The Appropriate Authority's position was that if the allegations were found proved the conduct would engage the Standards of Professional Conduct in respect of

- Fitness for Duty
- Orders and Instructions
- Discreditable Conduct

(iii) The Standards of Professional Behaviour are all set out in Schedule 2 of the Police (Conduct) Regulations 2020. Details on how to meet the Standards are set out in the College of Policing's Code of Ethics. This provides, so far as is relevant to this case:

Fitness for Duty
Police officers will ensure when on duty or at work that they are fit to carry out their responsibilities. The Code says that if an officer admits to having a drink or drugs misuse problem, they will be given appropriate support as long as they demonstrate an intention to address the problem and take steps to overcome it. It also says that they may, however, still be subject to criminal or misconduct proceedings. It is notable that the former Officer never made a formal admission of a drink problem to his Force, despite the extensive assistance given to him.

Orders and Instructions
Police officers give and carry out lawful orders only, and will abide by Police Regulations.

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.

The new Guidance for Ethical and Professional Behaviour in Policing emphasises owning responsibility and setting a good example. Under Public Interest and Trust it says:

Our high expectations demand that we
- *Do nothing, whether related to work or not, that damages the relationship of trust and confidence with the public*

Under Doing our Best it says:
- *We promote a positive professional image of the police service at all times*
- *Are conscious of the impact that our behaviour and decisions have on others*
-

Under wellness and wellbeing it says:

- *We consider our own mental health and wellbeing and that of our colleagues to the best of our ability*
- *Ensure that when we believe we are unfit to undertake our role or are impaired for duty, we declare this to the appropriate person as soon as practicable*
- *We are prepared to do what we can to address personal matters when they have an impact on our ability to discharge our professional responsibilities, seeking appropriate support when this is needed*
- *Do not make ourselves unfit or impaired for work as a result of the misuse of substances*

(iv) The Appropriate Authority's position was that if the allegations were proved, the conduct was so serious as to amount to **gross misconduct**.

6. <u>The former Officer's position</u>

(i) The former Officer was interviewed on 17.10.25 and said that he accepted being at work on 27th September 2024 and providing a sample of breath which was recorded as 50µg alcohol in 100ml of breath. He said he had drunk alcohol the previous evening, but not that day. He said he could not account for the reading. He discussed his personal circumstances, daily routines and drinking patterns. He did not consider himself to be an alcoholic. He said that he had voluntarily undertaken breath tests at work before and they had all resulted in a zero reading.

(ii) The former Officer provided a formal Regulation 31 Response on 3rd October 2025. In this he conceded that colleagues may have smelt alcohol on him, but that would have been from the previous evening. He said that he was very surprised when the reading of 50 registered and had informed Inspector Ring, who conducted the test, that he believed something to be wrong. He provided details of the ACPO Substance Misuse and Testing Policy, and made representations, which were the subject of the legal argument referred to above at 4. (iv)

(iii) The former Officer denied being in breach of any of the Standards of Professional Behaviour and denied that his conduct amounted to either misconduct or gross misconduct.

7. <u>Evidence considered</u>

(i) Prior to the hearing the Panel had thoroughly read and considered the whole bundle of evidence presented in this case. This included additional statements served after the pre-hearing. There was no CCTV or other visual evidence. The Appropriate Authority provided a comprehensive Opening Note and opened the case in full during the hearing.

(ii) No live witnesses gave evidence during the hearing.

(iii) The former Officer did not give evidence on his own behalf nor submit himself to any cross-examination. The Panel received advice about the potential for an inference to be drawn about his failure to give evidence, and about the weight to be attached to his written evidence. The Panel did not draw any inference from the former Officer's failure to give evidence on his own behalf.

8. Approach to decision making

These proceedings were held to determine the degree to which the conduct of the former Officer breached any Standards of Professional Behaviour, whether such conduct amounted to misconduct, gross misconduct or indeed neither, and whether disciplinary action should be imposed.

The approach taken by the panel was to:

(i) Firstly, ascertain the precise facts, bearing in mind what was and what was not in dispute.

(ii) Determine, on the basis of those facts, whether any Standards of Professional Behaviour had been breached.

(iii) Then to decide whether the conduct as a whole amounted to Misconduct, Gross Misconduct or indeed neither.

(iv) As appropriate, to decide what the outcome should be.

9. Burden and Standard of Proof

(i) In making its decisions the Panel was mindful of the fact that the burden of proving the case was on the Appropriate Authority.

(ii) The standard of proof applied by the Panel was the balance of probabilities, the civil standard. Conduct will be proved on the balance of probabilities if the Panel is satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying standard. The Panel understood that the seriousness of the allegations and/or the seriousness of the consequences for the former Officer do not require a different standard of proof, merely careful consideration by the Panel before it is satisfied of the matters which have to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred. (as per section 9.10 HOG)

10. Findings

The Panel deliberated carefully on each element of the allegation as set out in the Regulation 30 Notice. The first set of Panel decisions were made and read out by the Chair as follows:

(i) Statute/Procedure - Requirement to submit to a breath test whilst on duty

The panel noted the following legislative framework and procedures relating to the requirement for a police officer to be fit for duty and the testing procedures which accompany this:

The Police Regulations 2003, Regulation 19A, set out:

- *19A.— 2) The chief officer of a police force may require a member of the force who—gives the chief officer reasonable cause to suspect that the member is under the influence of alcohol while on duty; or*
- *(B) is selected in accordance with a regime of routine random testing, to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.*
- *19 A. 3(b)... on giving a sample under paragraph (2), is found to have more than 13 microgames of alcohol in 100 milliliters of breath shall face such consequences as are specified in that determination.*

In 2007, the then Association of Chief Police Officers (ACPO), issued the national ACPO Substance Misuse and Testing Policy and Guidance, Appendix F 1.3, which is reflected in Part 2 of the Home Office Circulate 11/2012. The panel noted the following relevant sections:

Part 2: alcohol

- *15. Alcohol is a substance that can be misused, and which can impair judgement. However, it is in a different category from controlled drugs, in that its use is not illegal. Some misuse of alcohol can be an offence. An officer who is drunk and disorderly in a public place commits an offence. An officer who attempts to drive a vehicle whilst over the prescribed limit commits an offence.*
- *16. Officers have a general responsibility to present themselves fit for duty. If their judgement is impaired by the consumption of alcohol, they are unlikely to be fit for duty. It is for a senior officer to determine whether an officer is unfit for general duties, due to consumption of alcohol. However, reporting for duty whilst having previously consumed alcohol (for example, on the previous evening) does not equate with the criminal offence of using drugs. Managerial action needs to reflect this.*
- *17. As with drugs, self-declaration of a drink problem is a matter that should be managed through the occupational health service, rather than being regarded as*

a disciplinary matter.

- *18. There is a power to conduct tests with cause, if it appears that an officer is under the influence of alcohol. Officers should be liable also to random testing should risk of impairment appear to warrant this, on a scale to be agreed with the local staff associations.*
- *19. There is a presumption that a person is unfit to work if they have more than 29 mg per cent in blood (39 mg per cent in urine, 13 micrograms per cent in breath). This compares with a limit of 80 mg per cent in blood for driving.*
- *20. Where testing is carried out, it should be conducted using breath testing equipment capable of making measurements at the 13 micrograms per cent level (equivalent to the 29 mg per cent blood level). Officers should never be tested on apparatus held in a custody suite, unless the suite is cleared of all other users.*
- *21. Each 'breath test' should consist of two consecutive breath specimen tests from the officer, with the final result being declared as the lower of the two results.*
- *22. If a supervising officer smells alcohol on the breath of an officer liable to alcohol testing, a breath alcohol test can be administered after a wait of 15 minutes. (This is to deal with the eventuality that at the time the suspicion of excess drinking is aroused, a proportion of the alcohol consumed may still be in the officer's stomach. Alcohol must be absorbed into the body to register in a breath alcohol test.)*
- *23.It should always be open to an officer to declare that they suspect they might have inadvertently exceeded the limit. Any such declaration should be made before the officer is notified of any requirement to take a test. Such declarations should not result in the officer being penalised, provided there is no pattern of continuing excess. A declaration may be particularly appropriate in circumstances of an unexpected change of duty, for example being allocated to driving duties involving possible use of the police exemptions under the Road Traffic Act, due to a staff shortage.*

In addition to the national guidance, Thames Valley Police, has its own Force Alcohol, Drugs and Substance Misuse and Testing Procedures, which was published in June 2021. The Panel noted the following relevant extract for alcohol testing (Annex A 4.1 – 4.2) which is reproduced below:

4.0 Alcohol Testing

- *4.1 The Health and Safety Act 1974 (and the Police Regulations in the case of officers) require supervisors and managers to take action to challenge individual when there is a concern about alcohol and to take appropriate action and to take appropriate action. If a supervisor smells alcohol on the breath of an officer or staff member a breath test can be administered where justified. Alcohol testing will be carried out by suitably qualified persons using breath test equipment with acceptable levels falling within the parameters of police regulations for police*

officers

- *4.2 This means that police officers tested for evidence of alcohol should not have more than 13 micrograms of alcohol in 100 millilitres of breath as determined by the Secretary of State. Any equipment used should be capable of making measurements of 13 micrograms per cent level (equivalent to 29 micrograms per cent blood level). Officers should not be tested on equipment in the custody suite unless the area is cleared of all other users as defined by Home Office Circular 011/2012. This limit will also apply to Police Staff but will be assessed on a case-by-case basis dependent upon their role.*

(ii) Relevant evidence from 27 September 2024

The panel noted that on 27 September 2025 the former Officer had reported for duty at Milton Keynes Police station.

The panel noted that he was to undertake office based inquires to locate outstanding offenders. To this end he would have been required to access police systems, update the NICHE records management system with information and potentially engage with members of the public and other professionals by phone.

At approximately 12-15 hours that day, he entered the office of DI Ring to discuss what his duties were to be for that day. Also present within the room was DS Pearce.

A conversation took place between the former Officer and DI Ring for approximately 30 seconds, and it was during this conversation that DS Pearce smelt alcohol on the former Officer.

Upon the former Officer leaving the office DS Pearce informed DI Ring that she had smelt alcohol.

DI Ring, in line with Thames Valley Police policy, recognised he needed to act upon the information given to him by DS Pearce and he sought the advice of a fellow colleague who had recently dealt with a similar scenario.

DI Ring then attended the office of the Road Policing Unit (RPU) which was in the same building and PC Carpenter, a RPU constable gave him a breathalyzer machine and refreshed his knowledge on how to operate the device and administer a test.

The device given to DI Ring and subsequently used to test the former Officer was a Home Office approved Drager Alcotest machine (serial ARLM-0148). It was subsequently confirmed that the unit was appropriately calibrated.

Upon returning to his office DI Ring asked the former Officer to speak with him, and he informed the former Officer that DS Pearce had smelt alcohol on his breath, and he was required to provide a sample of breath to ascertain if he was fit for duty. It was explained to the former Officer that he did not have to consent and that he was not being investigated in respect of any road traffic offences.

During the conversation with DI Ring, the former Officer stated he "*was not an alcoholic and that he had not consumed a bottle of whisky when he had woken up".*

The former Officer agreed to provide a sample of breath and PS Duckett was present when the test was administered at approximately 12.30 hours. The panel noted that at the point of administering the test DI Ring stated he could smell alcohol on the former Officer. At the conclusion of the breath test procedure, the calibrated breath testing device recorded a 'fail' and provided evidence of a reading of 50µg of alcohol per 100ml of breath. The panel noted that a photograph of the result was taken by DI Ring and exhibited within the misconduct hearing bundle.

The panel noted that to be fit for duty the officer would have been required to provide a result of 13µg of alcohol per 100ml of breath. The reading recorded meant that the former Officer was three times over the permitted level to be fit for duty.

The panel also noted that PS Duckett in his statement detailed that he could also smell alcohol on the breath of the former Officer, at the time the test was administered.

DI Ring showed the officer the reading and he responded he *"could not understand how he had failed it as he had not drunk [that] morning and that he was in bed by 22-00 the previous evening".*

The panel noted that based upon the result given by the former Officer, DI Ring deemed he was not fit for duty and sent him home from work.

(iii) Review of the former Officer's position

The panel noted that in both interview and his Regulation 31 response, the former Officer stated the alcohol reading produced during the breathalyzer procedure was in his opinion likely to be wrong. He stated that if a second breath test procedure had been administered, he would have produced a zero reading, and he was surprised that he was not offered a second test. He also maintained that he did not come to work drunk and the last time he had consumed alcohol was the night before at approximately 22-30 hours. The former Officer stated that he had consumed in the region of up to six cans of cider the previous evening.

The former Officer accepted that those who had smelt alcohol on his breath were entitled to reach that conclusion, but stated none of them had given evidence that he was in anyway unfit or impaired in his demeanor or behaviour.

The former Officer also stated that in the past, when subject of the Thames Valley Police MRAG process he had always blown zero. He stated he was fully aware of the permitted alcohol limits to be fit for work, and he has never been unfit for duty.

The former Officer denied the allegation against him and that he had committed gross misconduct or misconduct and decided not to attend or participate in the hearing process.

(iv) Panel's consideration of the single breath test evidence

At the full hearing the panel considered what weight should be attributed to the evidence obtained from the one breath test and concluded the following:

- The breath test device used was a Drager 6820 breath test screening device and is licensed by the Home Office for the provision of police screening

breath tests

- The panel noted, contextually as a comparison, that the Drager 6820 is the device used to undertake roadside breath tests within the Thames Valley Police area and many other Forces. In this regard a single calibrated test is used at the roadside and if the test is failed, its reliability is such that it provides a police officer with grounds of arrest to take away the liberty of a motorist so they can be taken back to the police station for criminal evidential testing.

In relation to whether on the day in question the breath test device was operating correctly, the panel reviewed the statement of PS 310 Rayner on this issue and noted:

- There is a requirement to undertake an accuracy test on a device every 28 days and if such a test is not performed within 35 days it locks out. The device can then only be used if an accuracy test has been undertaken within these parameters.

- Calibration checks are undertaken either where the accuracy test reveals data out of range (+/- 2.5ug) or in any event every six months. If a calibration check is failed, the device is returned to the manufacturer for service.

- The device which was used to take the sample of breath from the former Officer, was subject to an accuracy test 33 days before it was used to provide the reading in this case. Whilst the accuracy test was five days outside of the 28-day period, it was within the 35-day lockout period.

- The device had also been calibrated on 28th March 2024 and was therefore within the six-month calibration check window set out in recognised procedures.

- The panel noted, Sergeant Rayner has been a Roads Policing Unit officer for eleven years and is one of the leads for carrying out checks on the devices in Thames Valley Police. In his statement, he stated in his experience, on the rare occasion a calibration check did reveal a result outside the permitted range, it has never been beyond +/- 5µg tolerance zone.

(v) Panel finding of fact

Based on the available evidence, the panel concluded that on 27th September 2024 the former Officer was on duty at Milton Keynes Police Station, when a colleague smelt alcohol on his breath and subsequently, he was required to provide a specimen of breath.

The Panel were satisfied that the power to require the former Officer to provide a specimen of breath was lawfully and appropriately used based upon the information available to DI Ring.

The Panel considered whether or not DI Ring was a qualified person to suitably administer the breath test procedure. It was noted that DI Ring had been trained on a predecessor

breath testing device and he appropriately took advice from PC Carpenter, a RPU officer, on how to administer a test using the more recent Drager device.

The former Officer subsequently provided a specimen of breath, and a Home Office approved device was used to measure the sample he gave and recorded a result of 50µg of alcohol per 100ml of breath.

The Panel noted that the former Officer believed the reading from the device to be incorrect and was of the view that if a second test had been administered, he would have provided a zero reading.

Whilst it was unfortunate that a second test was not administered, the Panel was satisfied that the device used was appropriately calibrated and accurate and therefore it provided reliable evidence as to the actual level of alcohol in the former Officer's breath.

The Panel also noted that in addition to the reading from the device, three separate officers had provided evidence that they had smelt alcohol on the breath of the former Officer at two different locations and times (Detective Inspector Ring, Detective Sergeant Pearce and Sergeant Duckett).

The Panel was satisfied that the level of alcohol in the former Officer's breath meant that he was not fit for duty. There is a presumption to this effect in the policy, and there is no evidence to counter this presumption. The reading here was over three times the permitted level to be deemed fit for duty. The Panel therefore found on the balance of probabilities his fitness to undertake policing duties would have been impaired.

The Panel therefore found the allegation proven.

(vi) Panel findings on whether the Standards of Professional Behaviour were breached:

The panel concluded that the facts of the conduct as proved breached the Standard of Professional Behaviour with regards to

- Fitness for Duty – this is in accordance with the policy inference
- Orders and Instructions – the Thames Valley Alcohol, Drugs and Substance Misuse and Testing procedures (June 2021) provides that police officers should not have more than 13µg of alcohol per 100ml if breath, as determined by the Secretary of State. So, in presenting himself for duty in this state the former Officer was in breach of his standing orders.
- Discreditable Conduct – if the public were aware that an officer was on duty with this level of alcohol in their body they would be outraged and their confidence in the police would be diminished.

(vii) Panel finding on seriousness – Gross Misconduct, Misconduct or neither

The Panel considered under Regulation 41(15) (b) of the 2020 Conduct Regulations whether the conduct as found amounts to misconduct, gross misconduct or neither.

The Panel reminded itself, that under Regulation 2(1) 'Misconduct' means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Whilst 'Gross Misconduct' means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

The Appropriate Authority have submitted that the conduct found proved overall amounts to gross misconduct.

In reaching an assessment on the seriousness of the proven conduct the Panel has considered the College of Policing Guidance on Outcomes (2022) which states consideration should be given to an officer's culpability, any harm caused, and the existence of any aggravating factors or mitigating factors.

In relation to each of these categories the Panel conclude the following in relation to the proven conduct:

Culpability
The Panel concluded the former Officer by voluntarily consuming a quantity of alcohol, at a point unknown, such that he was three times over the permitted alcohol level to be fit for scheduled policing duties, should have reasonably foreseen the consequences of his actions.

The panel also concluded the former Officer must have been at least reckless as to the consequences of his intentional drinking.

The Panel concluded the former Officer's culpability to be **high.**

Harm
The Panel concluded that if members of the public were aware that a police officer was on duty three times over the permitted alcohol limit to be fit for duty, it would cause considerable reputational damage to the police service.

The public rightly expect that police officers will be fit for duty and in a fit state to engage with their colleagues and partners and victims and witnesses of crime, and to be able to input data onto policing systems in an accurate and reliable manner.

The Panel concluded the potential harm caused by the former Officer's actions was **high.**

Aggravating factors
The Panel reminded itself not to double count factors which had already been considered in reaching a determination on culpability and harm.

The Panel noted that the former Officer was fully aware of the requirement to be fit for duty and that he was going to be on duty that day.

The Panel also noted that the former Officer at the time of the proven conduct, had not actively stated that he had an alcohol dependency issue.

The Panel also noted that the former Officer continued to dispute the findings of the breath test procedure and had not shown any real insight or reflection in relation to his actions.

The Panel observed that the former Officer was three times over the permitted alcohol limit to be fit for duty. This represents a significant deviation from instructions and the standards expected of an officer. He would have failed a roadside breath test procedure, and been arrested had he been driving, although there is no suggestion that this officer has been driving.

Mitigating factors

The former Officer chose not to be represented at the Gross Misconduct hearing and did not make any submissions in relation to mitigating factors, which the Panel should consider.

The Panel did note that latterly, on 13 November 2024, the former Officer proactively recognised he needed help with alcohol consumption and stated his willingness to engage with support services. As the former Officer did not attend the hearing, the Panel were unable to establish whether he had engaged with support services. The Panel was not provided with any medical or occupational health records which provided an objective assessment of any progress he might have made.

The Panel were not able to identify any real mitigating factors.

Having considered culpability, harm, aggravating and mitigating factors the Panel concluded the proven behaviour was very serious and amounted to **gross misconduct.**

11. Approach to Outcome

(i) Having read out the above Findings, the Panel received a copy of the former Officer's service record and heard representations on outcome from the Appropriate Authority. The Panel gave the former Officer's Federation Friend the opportunity to make representations, but he had no specific instructions to do so. No character witness statements or other additional material was provided on behalf of the former Officer.

(ii) The approach taken by the Panel when considering sanction was that identified by Mr Popplewell J in Fuglers LLP v SRA [2014] EWHC 179 (Admin) which is in these terms:

> "There are three stages to the approach which should be adopted (by a solicitor's disciplinary tribunal) in determining sanction. The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question."

(iii) Having reconsidered the four factors to be applied at this stage, the Panel found that there was no change to its assessment of seriousness as already pronounced. These can therefore be taken as recorded above at this stage too.

The overall assessment of seriousness remains at high.

12. Personal Mitigation

(i) The 2020 Home Office Guidance (HOG) says that the purpose of misconduct proceedings is to be "fair to the individual who is subject to the process, as well as all parties involved" in order to arrive "at a correct assessment of the matter in question and [provide] public and policing confidence in the system." The Panel therefore considered carefully the scope for personal mitigation in this case.

(ii) The Panel considered this only after forming an assessment of the seriousness of the misconduct, as recommended by para 6.2 of the Guidance on Outcomes. The Guidance on Outcomes reminded the Panel that personal mitigation is always relevant and should always be taken into account.

(iii) No details of personal mitigation were requested to be put forward on behalf of the former Officer. The Panel had some limited insight into the former Officer's personal circumstances in from the evidential material provided within the file.

(iv) The Panel noted that the former Officer's Regulation 31 Response provided details of good work he had undertaken as a police officer, and that was acknowledged. There was also evidence within his service record, in his PDR dated March 2024, of him displaying an impressive work ethic and assisting colleagues.

(v) There were no character references submitted, of either a personal or professional nature.

(vi) The Panel considered the former Officer's Service Record, which revealed that he had served since 2008.

13. Purpose of Misconduct Proceedings

(i) In determining outcome, the Panel kept in mind the threefold purpose for which outcomes are imposed in police misconduct proceedings; these are

- To maintain public confidence in, and the reputation of, the police service
- To uphold the high standards in policing and deter misconduct
- To protect the public.

(ii) The first of these is the most important purpose and takes precedence over the specific impact that a sanction has on the individual whose misconduct is being sanctioned.

(iii) The Panel took account of the comments of Lord Carswell in the decision of the House of Lords in R (Green) v Police Complaints Authority [2004] UKHL 6 at paragraph 78:

> "*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*."

The first two of the above purposes were considered particularly relevant to this case.

14. Outcome

(i) The Panel went on to choose the outcome which most appropriately fulfilled the purpose of the proceedings, given the level of seriousness found.

(ii) As this was a case involving a former officer and the Panel had determined that the conduct amounted to gross misconduct, there were only two outcomes available: disciplinary action or no disciplinary action. Disciplinary action can only be that the officer would have been dismissed if still serving.

(iii) The Panel went through the process of considering lesser sanctions that would have been available had the former Officer still been serving. The only other available outcome in this case would have been a final written warning. The Panel did not consider this was appropriate given the level of seriousness and the lack of insight for the conduct or any meaningful contrition. A final written warning would not be adequate to maintain public confidence in the police service generally and the high standards expected within Thames Valley Police and those that serve within policing.

(iv) Having considered all the circumstances, the only sanction that the Panel considered appropriate to deal with the seriousness of the misconduct, had the Officer still been serving, was dismissal without notice.

(v) The Panel therefore declare that that disciplinary action is necessary and had the former Officer still been serving he would have been dismissed without notice from Thames Valley Police.

(vi) His details shall be added to the barred list.

DCC Paul Mills QPM

Panel Chair

24/12/2025 (date)