IN THE POLICE CONDUCT PANEL

IN THE MATTER OF THE POLICE ACT 1996

AND IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 AS AMENDED

BETWEEN:

THE CHIEF CONSTABLE OF DEVON AND CORNWALL

The Appropriate Authority

AND

PC 16379 ASHLEY FORBES

The Officer

PANEL DECISION AND NOTIFICATION AND REPORT OF THE OUTCOME

UNDER THE POLICE CONDUCT REGULATIONS 2020

Chair	Craig Holden
IPM	Chris Hanvey
	Michael Saltern
ILQA :	Mr Derek Marshall LLB MCIArb
AA Counsel	Alan Jenkins
Officer's Counsel	Campaspe Lloyd-Jacob
Federation Rep:	Andy Palmer
IO:	DC Jane McGirr
Hearings Co-Ord:	Kieran Tidmarsh

Introduction

1. This case proceeded under the amended version of the 2020 regulations and the hearing took place between 8 December and 9 December 2025 before Craig Holden (Chair) sitting with Mr Chris Hanvey and Mr Mike Saltern (Independent Members). The writing of this report was delegated to Mr Derek Marshall LLB MCIArb (Independent Legally Qualified Advisor - ILQA) but the first draft was circulated to all the Panel Members and they have contributed to, signed and approved the report. The report confirms the Panel's findings.

2. The AA was represented by Counsel Mr Alan Jenkins and the Officer was represented by Counsel Ms Campaspe Lloyd-Jacob.

Preliminary Matters

3. Prior to the hearing the Panel had read and digested the agreed bundle of documents, including the Regulation 31 responses from the Officer in which he accepted the basic factual allegation against him (which he had never denied) and he accepted *"in retrospect that the circumstances did not justify his use of the exemption in respect of speed and that his speeding therefore amounts to a breach of the professional standards in respect of orders and instructions".* However, he said that he had not behaved discourteously and that at the time he had genuinely believed that he had good reason to drive as fast as he did. He therefore denied having breached the other required standards of professional behaviour (discreditable conduct and lapse of integrity) alleged against him and he denied that anything he had done amounted to misconduct or gross misconduct. At the outset of the hearing the Officer confirmed this position

through his Counsel. The task for the Panel was therefore confined to a fairly narrow compass.

Legal Framework and Factual Background

4. The statutory and regulatory basis of the Panel lies in Section 51 of the Police Act 1996 and the Police (Conduct) Regulations 2020 ("the Regulations"). In addition, the Panel is to have proper regard to the Statutory Guidance on Professional Standards, Performance and Integrity in Policing Issued by the Home Office also issued in 2020, known as the "HOG", which states at paragraph 1.4:

> *The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.*
>
> ……..
>
> *The persons conducting misconduct hearings will consider the facts of the case and will decide the facts (on the balance of probabilities) and whether the officer's conduct amounted to misconduct, gross misconduct or neither*

5. The aim of misconduct proceedings is not primarily punitive although they can have that effect on the officer concerned. The overriding objective is to set and maintain the highest standards of professional integrity, to ensure public confidence in the Police and for the public to see that these things are done in a fair, open and transparent manner.

6. The appropriate standards of professional behaviour for police officers is set out in Schedule 2 of the 2020 Regulations and the relevant sections engaged in this case are as follows:

> *Orders and instructions*
>
> *Police officers only give and carry out lawful instructions. Police officers abide by Police Regulations, force policies and lawful orders.*
>
> *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.*
>
> *Honesty and Integrity*
>
> *Police officers are honest, act with integrity and do not compromise or abuse their position*

7. Regulation 41(15) of the 2020 Regulations provides as follows:

The person or persons conducting the misconduct proceedings must review the facts of the case and decide whether the conduct of the officer concerned amounts—

(a) in the case of a misconduct meeting, to misconduct or not, or

(b) in the case of a misconduct hearing, to misconduct, gross misconduct or neither.

And sub-rule 16 states

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.

"Misconduct" is defined in the 2020 regulations as

a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action

and "Gross Misconduct" is defined as

a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal

The allegations

8. There were two core allegations against the Officer in this case and the facts were very largely agreed. On 20 September 2024 the Officer was in plain clothes driving an unmarked police car along the A38 in Devon when he was stopped by a uniformed officer (PC Edmunds, also in an unmarked car) having been observed to be driving at over 100mph. The A38 at that point is a dual carriageway and the national speed limit of 70 mph applies. He also made an unindicated turn off the road at a junction prior to being ordered to stop by PC Edmonds, who activated his blue lights to indicate that he should do so. The excessive speed and unindicated turn was the foundation for the allegation of aggressive driving, not anything he said to PC Edmunds.

9. The Officer's car was not fitted with telematics and PC Edmunds' Volvo car did not have an internal camera or calibrated speedometer such as VASCAR so the actual speed of the Officer's car was not objectively measured but PC Edmunds said in his statement that he followed the Officer for some considerable distance at over 100mph on the A38 and the Officer accepted that as being true and he admitted it at the time he was stopped. He also admitted having pulled off the road without indicating, his reasoning being that he wanted to see whether he was being followed at speed by another police car or whether there was some other reason for the following vehicle matching his speed [redacted]. The Officer's explanation for his speedy driving was that he was on his way to Yeovil for an important briefing [redacted] which he had been tasked to attend. He had thought that he had allowed himself plenty of time to make the journey from his home in Plymouth but that on the way, his satnav had indicated there was an obstruction, diverting him from his original route (something he assessed before re-joining the original intended route because he realised that he was going too far out of

his way). This had caused him to be delayed and there was a risk of further delay so he made the deliberate decision to exceed the speed limit in order to reach the briefing on time. However, as mentioned above the Officer has retrospectively recognised that he did not have a sufficiently good operational reason for speeding hence the admission made in his Regulation 30 response.

The evidence

10. Counsel for the AA took the Panel through the bundle highlighting the broad circumstances of the case as set out above and the circumstances in which the Officer came to be stopped. He did not mention in opening the Officer's explanation for his reason for exceeding the speed limit being that he had been diverted off course by his satnav, (which he said had indicated that there was a blockage on the road, although in the event there was not) but the Panel had noted for themselves the evidence from National Highways to say that there were in fact no road closures or diversions from them on the A38 on the 20th September 2024. However, the Highways Agency also advised that Wales and West Utilities were planning to divert onto the A38 between Drumbridges (A382) and Clay Lane from 19 August 2024 to the 4 October 2024. This was required due to a complete closure of the B3344 Station Road, Bovey Tracey. This would have been a diversion onto the A38 not off it, so wouldn't have been on the Officer's route.

11. The bundle also shows (and it was not disputed) that the officer in charge of the briefing in Yeovil was [redacted]. When asked about the events in question he initially said this:

Had I have been asked by an officer if they could use their exemptions then I would have seriously considered the request due to the nature of the job in that we had two subjects who would be likely to separate. [redacted] in addition to the seriousness of the offence under investigation, I would have been inclined to authorise as I needed as many people present on the ground with me as possible to achieve the SIO's objectives.

However, he was then asked to reconsider the position have been provided with further information and he corrected himself thus:

I have subsequently been made aware that PC FORBES was released from duty many hours before the briefing time and was afforded time to prepare for the evening's deployment.

I can say that in this circumstance there are no grounds for me to authorise the use of police speed exemptions, as it appears that plenty of time had been given to PC FORBES to get to the briefing location. In this case had a request have been made and I was aware of the full circumstances then I would not have authorised any exemptions and unfortunately any speeding on route to the briefing is not in my opinion justified.

It follows that the Officer's speeding would not have been approved even had he reported it later and asked for retrospective permission (which he did not do).

12. The Panel were made aware of [redacted] at the commencement of the Hearing and later received a [redacted] report confirming [redacted]. The Panel gave due

consideration as to whether modifications should be made to the hearing. None were requested. No explanation was claimed by PC Forbes in his evidence that any of his behaviour subject of the allegations was related to [redacted] (other than to provide context to [redacted]).

13. The oral evidence for the AA consisted of PC Edmunds recollections. He was the person who stopped the Officer for speeding. He confirmed his written statement in the bundle and told the Panel that he had been overtaken at high speed by a [redacted] motor car and had pulled over into lane 2 to follow that vehicle. The traffic was light and there were very few other cars on the road. He accelerated up to between 100 and 110 mph and followed the Officer for some distance at about 100 mph before that car had moved over to lane 1 and at a junction which he (PC Edmunds) had thought to be Clay Lane had moved over to take the slip road without indicating. At that point he had illuminated his blue lights and the [redacted] was brought to a stop on the hatched area on the right hand side of the slip lane. Initially, he had been concerned about the possibility of being "reverse rammed" but when the driver (the Officer) got out of the car he realised that this was a compliant motorist and he went to speak to him. There was a brief conversation in which he asked the driver why he thought he had been stopped and he had been told that PC Forbes was a police officer on his way to a murder investigation in Bristol. He was shown a Devon & Cornwall warrant card and in the circumstances, he merely gave words of advice about not indicating before pulling off the main road and allowed the Officer to go on his way. He also told the Panel that the Officer himself had said "Why have you stopped me" in an abrupt tone of voice. He later tried to do some checks on the [redacted].

14. In cross-examination PC Edmunds readily accepted that he was mistaken in some parts of his evidence. [redacted]. He accepted that the Officer had in fact slowed down to about 75 mph before pulling off the main road. He agreed that the junction where he had stopped the Officer was not Clay Lane but the next junction as shown in a google maps picture put to him by the Officer's Counsel as shown below:

He also accepted that stopping in the hatched area was actually a safe place to be because there was no hard shoulder on the left hand side and that he had been mistaken about this. He agreed that the position of the two cars was as described by the Officer in the diagram shown below (the Officer's car being shown in red and his car in yellow):

Importantly, he also agreed that the Officer had not mentioned to him at the time that he was assigned to [redacted]. However he stood by his evidence that the Officer had told him that he was on his way to a murder incident in Bristol and that he had been led to believe that the Officer had a legitimate reason for speeding, which is why he had not detained him for any longer than he needed to establish the Officer's credentials. He had later tried to track down the Officer's vehicle but had been unable to do so, [redacted].

15. The Panel found PC Edmunds to be a completely frank and honest witness. There were aspects of his original account that were mistaken as mentioned above but the Panel thought that these admissions readily given were the mark of an honest witness doing his best to help them. They found his explanation about having been led to believe that the Officer had an urgent, proper and legitimate reason to have been speeding to be entirely credible.

16. The Officer then gave evidence in his own defence. He told the Panel that he is 44 years old and has been a police officer since 2003. He was assigned to [redacted] in 2016 and he described this as being completely suited to him and that he thrived in the

work. He has an advanced driver qualification and regularly needs to use those skills in the course of his work.

17. Turning to the incident itself the Officer told the Panel that he had been assigned to a team in Avon & Somerset concerning a double murder. On the evening in question he had to make his way from his home in Plymouth to Yeovil, stopping in Exeter to collect another officer. He needed to be at the briefing by 9pm. He had used his satnav to check the route and this told him that it was going to take much longer than he had expected. There was a diversion around the Bovey Tracey area. He thought that it was essential to get to the briefing on time and at the time, he did not think that he had the operational commander's phone number, although he later realised that it was on an email he had received. This is why he did not contact [redacted] to say that he may be running late due to the diversion. When he reached the point of deviation he started to take it, but shortly thereafter stopped at a garage to re-check his route. He decided that the diversion was too long and re-joined the A38 direct route with the aim of using his police credentials to get past any blockage if he needed to, and he accelerated up to 100mph in the dual carriageway sections of the road. He said that he had used the National Decision Model (NDM) to support his decision making.

18. There came a point when he realised that he was being followed at speed by another car and the Officer told the Panel that this brought three possibilities into his mind. Either it was a police car, or it was a "boy racer" trying to compete with him or his covert status might have been compromised. In order to test out which this was, he had deliberately pulled off the dual carriageway onto a slip road without indicating, to see whether he would be followed. That did happen and almost immediately the following car had illuminated the blue lights, so he knew that it was a police car. He had therefore

stopped at the first safe place, which was the hatched area as shown in the photograph above. He got out of the car and the uniformed officer approached him and asked whether he knew why he had been stopped. He identified himself as a police officer and said that he was on his way to a murder in the Bristol area. He did not mention being [redacted] in order to avoid compromising operational security and deliberately provided as little information as possible for this reason. He showed PC Edmunds his warrant card and was given words of advice about the manner of his pulling off the main road. He said that he had not spoken rudely to PC Edmunds but explained that his manner can sometimes be abrupt. [redacted]. He thought this might be the explanation for his perceived rudeness but said that he had not intended to be offensive. He was allowed to go on his way and collected his colleague in Exeter, although as he was later to explain, he did not mention any problems with the satnav or about being stopped either to this officer or to anyone else that evening.

19. In cross-examination he was asked why he had changed his position and he replied that he had reflected on his thinking and that he had been mistaken to believe that he had a good or sufficient reason for speeding. He now accepted that he did not. He maintained his explanation that he had been led astray by his satnav and said that this was a reference to the mapping features on his personal phone. The diversion it was sending him on was in the Dunbridge area near Bovey Tracey and the route instructions were telling him that he was going to be 5 or 10 minutes late for the briefing. He accepted that at that point he ought to have contacted DS [redacted] by phone but repeated that in error, he did not think that he had the number at the time. He readily agreed that when he returned to the A38 he increased his speed to 100mph but denied speeding

elsewhere and he denied tailgating other motorists. There was almost nothing else on the road. He did not think that his driving was dangerous.

20. The Officer then repeated his explanation about why he pulled off the main road abruptly and expanded on this by saying that he had once [redacted]. He explained the circumstances and said that he wanted to be sure that this had not happened again, although by the time he pulled off the road he had excluded this as an explanation and of course as soon as he saw the blue lights, he knew that he was being stopped by the police.

21. Counsel for the AA then asked the Officer about the interactions with PC Edmunds. He agreed that he wanted the uniformed officer to know that he was pressed for time and he agreed that at that stage, he was indeed claiming exemptions for the ordinary road traffic laws as to speed. At the time he honestly thought that he had a good reason for speeding, he said. He had provided as little information as possible in order to protect the operation and it was literally true that the murder related to the Bristol area although this was not his destination. He accepted however that in retrospect he ought not to have led PC Edmunds to think that he had a good reason for speeding and that if he had known this at the time, that would be discreditable conduct.

22. In answer to questions from the Panel, the Officer told the hearing that he was either using Apple Maps or an app called Waze on his personal phone. He was unsure where he was when he programmed in the route but said that he was about half an hour into the journey before the system told him that he needed to divert. He also gave a bit more detail about the operation in [redacted]. He accepted the circumstances were very different and the [redacted] In answer to direct questions about his driving record he

said that he had received penalty points on his licence in the past but that at the time, these were "spent" and his licence was either a clean one or it had 3 spent points on it, so he was not at risk of "totting up".

Submissions

23. The rival submissions were necessarily brief since this case turns entirely on the facts. The Panel was reminded of the burden and standard of proof. The ILQA advised the Panel that where an officer gives an explanation for his behaviour this does not reverse the burden of proof: It remains the job of the AA to show that he or she did not have a good or legitimate or proper reason for doing what they did. He also said that whilst there is a single and unvarying standard of proof – the balance of probability - they are entitled to conclude that some things are more likely than others.

Panel resolution of the facts

24. There were really only two disputed facts: Whether the Officer had really been delayed (or was going to be delayed) by a diversion, this being a piece of information received on his satnav so that he genuinely believed that he had a good reason for speeding and whether he had behaved discourteously by aggressive driving.

25. The Panel concluded that the Officer drove at speeds of at least 100mph on the basis of his own admissions, the oral and written evidence of PC Edmunds and the written statement of PC Labajo.

26. The allegation that he drove aggressively was not proven. The AA failed to set out what the aggressive nature of the driving was and there was nothing from PC Edmunds that indicated the manner of the driving was aggressive. Even the statement of PC Labajo fails to prove the driving was aggressive. The admission of not indicating and coming off the dual carriageway onto the off-slip road was not of itself sufficient grounds for a finding of aggressive driving.

27. The Panel found PC Edmunds evidence to be truthful and he was a credible witness. There were aspects of what he said which were inaccurate (the exact model of [redacted], the exit junction and his recollection of his Body Worn Video, whether the Officer said at that time whether he [redacted]), but he was quick to accept those in cross examination. There was very little difference in relation to the actual interaction between PC Edmunds and PC Forbes. There was nothing that gave the panel the impression that PC Edmunds had taken a dislike to PC Forbes, which had led to him exaggerating his evidence as was suggested by Ms Lloyd-Jacob.

28. The allegation that the Officer had no operational or legitimate reason to use the exemption regarding speeding was clearly proved on the basis of his own admissions (accepting that these admissions are retrospective) and the other facts in the case including the nature of the [redacted] briefing, the fact he had been stood down early and given rest time and the unchallenged evidence of DS [redacted] that he would not have granted an exemption.

29. The allegation of subsequently claiming he had an exemption (at the point he interacted with PC Edmunds) that he did not properly have, was also established to the satisfaction of the Panel for the following reasons: The panel found the Officers evidence to be basically credible but that was not the case for his claim that his satnav had given him a diversion route that he had started to follow thus threatening to make him late for the briefing. The fact there was no diversion known to the Highways Agency was not conclusive in its own right, but supported the conclusion that there never was a diversion, so the Panel looked at the evidence on this as a whole

30. The ILQA reminded the Panel that whilst the standard of proof is the same in all civil cases, some things are more likely than others. On this basis, the Panel concluded that a combination of there being no record of any relevant diversion from the Highways Agency plus the extraordinary fact that the Officer did not mention that he had been diverted by misleading information on his satnav to either his colleague who he collected in Exeter nor to DS [redacted] nor to anyone else that evening is strongly suggestive that it did not happen. In the ordinary course of things, one would have expected that the first thing he would have said to his colleagues that evening would have been something like *"you can't believe my bad luck, first I get diverted off route and then I'm stopped for speeding!"* The fact that he did not do so points very much in the panel's mind to the satnav incident having not happened.

31. The Panel's view of this was reinforced by their conclusion that the manoeuvre off the A38 onto a slip road was an evasive move by the Officer rather than a test to see who was following him. In their view he probably knew (or strongly suspected) all along that he was being followed by another police officer. He was intending to lose the

police car, which the Officer had determined by this time was the most likely reason for the car following him. The Officer's explanation about the other two hypotheses was implausible and the Panel did not believe would result in the Officer coming off the dual carriageway. In particular, the Panel were unconvinced by his assertion that he thought he may have been [redacted]. He gave an example of an incident where he had been [redacted], which the Panel felt had no bearing on the circumstances he described. [redacted]. The index incident was completely different, [redacted]. Even if it had, it was unclear what benefit pulling off the A38 at that time would have had to PC Forbes.

32. The Panel concluded therefore that the Officer had come off the dual carriageway to evade what he knew was likely to be a police car and he did so because he knew he did not have a legitimate exemption for speeding at that point. It was clear to the Panel that he had been given sufficient time to get to the surveillance briefing. Although it was very important that he be there on time, PC Forbes was an experienced officer and [redacted] who knew whether the circumstances in which he was stopped amounted to a genuine exemption or not.

Breaches of the SPB:

24. It follows that the Panel concluded that on these facts the breaches of the required standards as to orders and instructions, lapse of integrity (in misleading PC Edmunds by a combination of actions and a few spoken words which whilst not actually or directly dishonest were enough to cause that officer to think that there was a proper and legitimate reason for speeding when there was not) and discreditable conduct are made out. The Officer himself admitted that deliberately misleading PC Edmunds would have been discreditable conduct and the Panel agrees.

Gross misconduct or misconduct:

24. The Panel considered the "seriousness" of the established facts and breaches by looking at the familiar fourfold Guidance on Outcomes (the "GO") as a tool for these considerations. The seriousness of this case turns on the lapse of integrity in the misleading of PC Edmunds and the false claim to an exemption to the normal rules about speeding. It meant that this was at least a case of misconduct. The challenge for the Panel was whether this was so serious as to amount to gross misconduct.

25. Culpability is at the moderately serious level in the Panel's view. The Officer's actions were intentional and deliberate but basically spontaneous and without planning, beyond the few seconds between the time he realised he was being followed and being allowed to go on his way. Speeding is clearly a criminal offence and the Officer broke the speed limit when he had no policing purpose to do so. His misleading of PC Edmunds was clearly intended to avoid a penalty for speeding. The lapse of integrity aspect is therefore serious. This is not a case of operational dishonesty, but the Officer was on duty and in the Panel's opinion he must have known that he was being "economical with the truth" in his explanation to PC Edmunds, leading him to believe that there was a necessity for speeding when there wasn't.

26. There was no direct harm here as the Officer was a highly trained driver and the evidence is that the roads were clear and the traffic very light. The potential however for a serious accident was high. He did however exploit his position as [redacted] persuading PC Edmunds as to the urgency of his journey and that is serious in terms of one officer being able to trust another.

27. There are no aggravating factors here but there is some mitigation because whilst the Panel does not accept the Officer's reasoning for his speeding and disbelieved the story about the erroneous satnav information, they accept his Counsel's point that he was on his way to a briefing for a very serious investigation, not on his way home or to get a meal or other non-operational errand or matter.

28. Overall therefore the Panel regarded this as a case of moderate seriousness and after very careful thought, came to the conclusion that the lapse of integrity takes this case into the gross misconduct bracket and that is their finding.

The Outcome – Disciplinary Action

29. In approaching this part of the decision the Panel revisited the guidance given by Mr Justice Popplewell in Fuglers LLP v SRA [2014] EWHC which is usefully summarised in the GO. They kept at the forefront of their minds the purpose and objective of these proceedings, which is to maintain public confidence in and the reputation of the Police, uphold high standards and deter misconduct and to protect the public. The objective is not to punish the officer (although it may have that effect) and the Panel recognised that they should therefore do no more (although also no less) than that which is necessary to satisfy the key objectives of the proceedings.

30. Accordingly, the Panel reconsidered the seriousness of the misconduct in terms of the four factors previously set out. The speeding was serious but always admitted. Although there was little traffic on the dual carriageway road this was a potentially

dangerous speed even for a highly trained driver and most ordinary members of the public would think it so. The most serious aspect of this case is the lapse of integrity at the time of the interaction with PC Edmunds. The key findings are that:

- The Officer knew that he was being followed by the police
- The manouevre off the main road was intentionally evasive and in the hope of not being stopped
- He was economical with the truth with a colleague
- He led PC Edmunds to think that the urgency of his driving was greater than it really was by being deliberately short with him and letting him think that he was involved in a [redacted] without actually saying so
- He probably knew that he did not really have a good reason for speeding because the Panel did not accept the story about being sent astray by the satnav
- He did not actually tell a direct lie but he was trying to avoid the consequences of speeding or being reported for an offence and this was an abuse of his position.
- He was on his way to a briefing for a very serious crime rather than on his way home or to a break
- The public would be rightly concerned about an officer leading his colleague astray

Overall therefore the Panel finds that this was a lapse of integrity at the moderately serious level. It wasn't at the lowest level because the Officer knew he ought not to have been speeding and he didn't want to face the consequences but it wasn't at the highest level either because it was a momentary response to being stopped by PC

Edmunds rather than a sustained or thought through level of misleading of his colleague officer. This is therefore the Panel's assessment of the level of culpability in this case.

31. In terms of harm the actual harm in this case was low, although there was potential for an accident. The harm is to the reputation of the police. The public would have some concerns about an officer misleading a colleague albeit over a short period. This is not however at the highest level of current public concerns such as sexual misconduct or discriminatory behaviour.

32. There are no aggravating features in this case. This was a short and limited incident and all the material factors have already been taken into account.

33. Mitigation is not really engaged in this case. The Officer admitted the allegations in part in his Regulation 30 notice but he did not make early and full admissions or give a frank account of what happened. He did address the Panel to express his remorse but it was rather late in the day. The Panel received and took into account his long record of service.

34. It is obvious that disciplinary action must be taken and it was accepted by the Officer's Counsel that the minimum outcome must be a Final Written Warning.

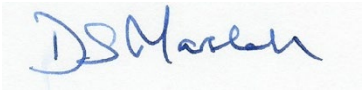
    The Panel understand that they should impose the least serious sanction. The Panel considered a Final Written Warning (FWW) and the sliding scale of time for which an FWW can be applied.
    In all the circumstances, the Panel considered that a final written warning does appropriately marks the seriousness of the misconduct and will maintain the public's confidence in the reputation of policing, but only where the FWW is extended to the fullest time period. An FWW of 2, 3 or 4 years would not be sufficient to maintain public confidence in the service, however a final written warning of 5 years (the maximum available) does in the Panel's view mark the seriousness of the misconduct

(particularly the breach of integrity). This is the most severe sanction available, without dismissing PC Forbes and sends the right message to both the public and PC Forbes' colleagues. Anything short of a 5-year Final Written Warning fails to do this.

For the avoidance of doubt, having read and listened to all the circumstances of this case, the sanction the Panel considers most appropriate to deal with the seriousness of the misconduct is a **Final Written Warning for the maximum period of 5 years.**

The decision is therefore that the Officer shall be the subject of a Final Written Warning extended to five years.

Drafted by



Derek Marshall LLB MCIArb ILQA

College Chambers, Southampton

Signed and approved by

Craig Holden

Chair

Chris Henvey

Independent Panel Member

Mike Saltern

Independent Panel Member