DERBYSHIRE CONSTABULARY

THE POLICE (CONDUCT) REGULATIONS 2020

MISCONDUCT PROCEDURES - DECISION ON FINDING AND OUTCOME

OFFICER'S NAME: Nurkan Dogruel		FORCE NO: 31168
DIVISION/DEPT: NA	RANK: Former PC	Nurkan Dogruel

Decision on finding and outcome

Conduct alleged:
CM/13/24

1. **Facts**

1.1. You commenced employment with Derbyshire Constabulary on 25 September 2023.

1.2. At all material times, you were a police constable within the Local Police Unit ("LPU") at Peartree Police Station.

1.3. On 27 February 2024, you were rostered to work 2200 hours until 0700 hours on 28 February 2024.

1.4. You were crewed with your tutor constable PC 15425 Lawton when at approximately 2300 hours you were tasked to attend Royal Derby Hospital in order to carry out a constant observation of a prisoner, namely [redacted] (Person A).

1.5. Due to Person A's medical needs, during the period of constant observations, you assisted Person A when he needed to use the toilet.

1.6. At approximately 0400 hours on 28 February 2024, you were released from constant observations and left the hospital with PC Lawton.

1.7. On arrival at the police van in the car park at the hospital, PC Lawton commented words to the effect that Person A *will remember you helping him out and he will show respect.*

1.8. You used offensive and/ or discriminatory language when you replied words to the effect of *I hope he remembers what I have done for him tonight, I have had to touch his willy and his black bastard arse.*

1.9. PC Lawton challenged you about this comment. You used inappropriate and/ or demeaning and/ or discriminatory language when you responded words to the effect of *I did not mean it in a racist way, when I was helping him on the toilet I just saw that his arse was darker than him.*

2. **Particulars of Misconduct**

 Continued overleaf

2.1. Your conduct at paragraphs 1.8 and/ or 1.9

2.1.1. Was inappropriate as you used offensive and/ or disrespectful language regarding a member of the public

2.1.2. Was discriminatory and/ or racially offensive due to the language you used regarding a member of the public

2.1.3. Failed to treat a member of the public with respect or courtesy

2.1.4. Discriminated against a member of the public

3. The conduct if proved amounts to gross misconduct for the following reasons

3.1. The conduct represents a significant lack of compassion and respect for a member of the public

3.2. The conduct involved discriminatory and/ or seriously offensive language

3.3. You failed to uphold standards and/ or actively promote equality and diversity

3.4. The conduct tends to seriously undermine the reputation of the police service

4. Standards of Professional Behaviour engaged

4.1. Equality and Diversity

4.2. Authority Respect and Courtesy

4.3. Discreditable Conduct

CM/68/24

1. **Facts**

1.1. You commenced employment with Derbyshire Constabulary on 25 September 2023.

1.2. At all material times, you were a police constable within the Local Police Unit ("LPU") at Ascot Drive Police Station.

1.3. On 10 November 2024, whilst on duty at around 1120 hours, you approached PC 15856 Coppinger and asked her *What do you think a good name would be for a Chinese Takeaway shop.* When PC Coppinger said she did not know, you showed PC Coppinger a picture of a Chinese takeaway restaurant with the name *Ming Inn.*

1.4. You said *Do you get it, Ming-Inn.*

1.5. At approximately 1120 hours you entered the Sergeants office, where PS 14541 Atwal and PC 14897 Britland were talking.

1.6. You began to laugh and when asked by PS Atwal why you were laughing, you said words to the effect of *Nothing I do not want to say.*

1.7. You were asked again by PS Atwal and/ or PC Britland what was funny.

1.8. You replied with words to the effect of *I was just telling Daisy that if a Chinese person opened a restaurant it should be called Ming-ing.*

2. Particulars of Misconduct

2.1. The acts and comments at paragraphs 1.3, 1.4 and/or 1/8 were inappropriate as they were conflating the name with the term '*minging*', meaning very bad or unpleasant. This implied a negative connotation about the premises because they were Chinese and/or reinforced racist jokes about the way Chinese words might sound in English. In this respect, the actions and/or comments:

2.1.1. Were discriminatory and/ or racially offensive

2.1.2. Were likely to undermine public confidence in the police.

3. The conduct if proved amounts to gross misconduct for the following reasons

3.1. The conduct involved discriminatory language

3.2. You failed to uphold standards and/ or actively promote equality and diversity

3.3. The conduct tends to seriously undermine the reputation of the police service

4. Standards of Professional Behaviour engaged

4.1. Equality and Diversity

4.2. Discreditable Conduct

Finding:

Gross misconduct

Outcome:

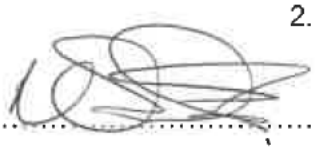
Dismissal had the officer remained serving with a police force

I confirm that the above finding and outcome is correctly recorded and that antecedents were heard and taken into consideration when determining the outcome of these proceedings.

A summary of the Panel's reasons:

1. is enclosed on the Regulation 43 Notice of Outcome (continuation)

2. will be forwarded within five working days

Signed:  ..... (ACC Michelle Shooter - Chair)

Date: 22/08/2025

Entitlement to a Police Appeals Tribunal

Where there has been a finding of misconduct or gross misconduct and disciplinary action has been imposed under Regulation 42 you have a right of appeal to a Police Appeals Tribunal

Your request must be made in writing to:

Police and Crime Commissioner Nicolle Ndiweni-Roberts
Derbyshire Constabulary HQ
Butterley Hall
Ripley
DE5 3RS

before the end of **10 working days** beginning with the first working day after you have been supplied with a written copy of the relevant decision.

Notification of finding, outcome and right of appeal to a police appeals tribunal

I confirm I have been notified of the decisions of the Misconduct Hearing.

I also confirm that I have been notified of right of appeal to a Police Appeals Tribunal and received a copy of Form PAT1.

Signed ..... (Former PC 31168 Nurkan Dogruel)

Date 2025

DERBYSHIRE CONSTABULARY

THE POLICE (CONDUCT) REGULATIONS 2020

MISCONDUCT PROCEDURES - SUMMARY OF THE PANEL'S REASONS FOR FINDING AND OUTCOME

OFFICER'S NAME: Nurkan Dogruel		FORCE NO: 31168
DIVISION/DEPT: NA	RANK: Former PC	

The following is a summary of the reasons for the panel's finding, and, where applicable, the outcome imposed.

PLEASE SEE ATTACHED TYPED SHEET – SIGNED AND DATED BY PANEL MEMBERS.

I acknowledge receipt of the attached summary.

Signed ..... Date: 2025
(Former PC 31168 Nurkan Dogruel)

DERBYSHIRE CONSTABULARY

IN THE MATTER OF THE POLICE ACT 1996 AND

THE POLICE (CONDUCT) REGULATIONS 2020

RE: Former PC 31168 Nurkan Dogruel

The Panel in these proceedings dealt with allegations of breach of the Standards of Professional Behaviour under the Police (Conduct) Regulations 2020.

The following paragraphs represent the Panel's findings in respect of the above officer's misconduct hearing held at Derbyshire Constabulary Headquarters between 20-22 August 2025. There may be slight differences in this written document as compared to any full written transcript. If that is the case, then this written document should be regarded as the definitive version.

FINDINGS

Please see attached report, dated 22.08.2025

OUTCOME

Please see attached report, dated 22.08.2025

Signed .....

ACC Michelle Shooter (Chair)

Signed .....

Mrs Shameem Malooq – Independent Panel Member

Signed .....

Mr Andrew Robotham - Independent Panel Member

Date: 22/08/2025

IN THE MATTER OF MISCONDUCT PROCEEDINGS

UNDER THE POLICE (CONDUCT) REGULATIONS 2020

BETWEEN:

THE CHIEF CONSTABLE OF DERBYSHIRE POLICE

Appropriate Authority

And

FORMER PC 31168 NURKAN DOGRUEL

The Former Officer

Hearing Date: 20 – 22 August 2025

Chair's Report

Summary of the case

1. At the misconduct hearing on 20 – 22 August 2025, the panel found a breach of the Professional Standards of Use of Force, Equality & Diversity; Authority, Respect and Courtesy, and Discreditable Conduct. The panel concluded that the breaches amounted to gross misconduct [and as an outcome, the panel determined that disciplinary action should be imposed which meant that had the Former Officer been a serving officer, he would have been dismissed].

References and abbreviations

2. Page numbers mentioned in this report are page numbers of the hearing bundle unless otherwise stated (such as the 2020 Home Office Guidance, or the College of Policing outcomes guidance).

3. In this report:

   3.1 'the 2020 Regulations' means the Police (Conduct) Regulations 2020. Reference to a regulation is, unless otherwise stated, to a regulation in the Police (Conduct) Regulations 2020.

3.2 'the 2020 Home Office Guidance' and 'the Home Office Guidance' refers to the Home Office Guidance *Conduct, Efficiency and Effectiveness: Statutory Guidance on professional Standards, performance and Integrity in Policing* (issued under section 87 and 87A of the Police Act 1996) published on 5 February 2020.

3.3 'the college of policing code of ethics' and 'the code of ethics' refers to the College of Policing Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales (issued under section 39A of the Police Act 1996) published in July 2014.

3.4 'the College of Policing outcomes guidance' and 'the outcomes guidance' refers to the College of Policing *Guidance on outcomes in police misconduct proceedings* (issued under section 87 the Police Act 1996) published on 17 August 2022 and updated (by having paragraph numbers added) in March 2023.

4. In this report (or in documents that might be referred to in it) the following abbreviations/terms are used:

4.1 AA = Appropriate Authority
4.2 HOG = Home Office Guidance
4.3 IO = Investigating Officer
4.4 ACC = Assistant Chief Constable
4.5 IPM = Independent Panel Member
4.6 LQP = Legally Qualified Person
4.7 PC = Police Constable
4.8 PS = Police Sergeant
4.9 PSD = Professional Standards Department

Status of this report

5. Regulation 43(1) of the 2020 Regulations provides:

43. Notification of outcome

(1) The person conducting or chairing the misconduct proceedings must, before the end of a period of 5 working days beginning with the first working day after the completion of the misconduct hearing or misconduct meeting, submit a report to the appropriate authority or, where the functions have been delegated under regulation 26(1), to the originating authority setting out –

(a) The findings of the person or persons conducting the misconduct proceedings,

(b) The reason for that finding,

(c) Any disciplinary action imposed; whether disciplinary action for gross misconduct was imposed,

(d) Any direction that the matter shall be dealt with under the reflective practice review process.

6. This document is the 'report' submitted 'to the appropriate authority' of regulation 43 (1) and is attached to a summary of the findings and outcome.

Parties, representatives, panel members and other attendees.

7. Former Officer PC Dogruel ('the Former Officer') did not attend the misconduct hearing. He was represented on day one of the hearing by Ms Kokhtar and on days two and three by Helen Gallear, both as Police Federation representatives.

8. The AA is the Chief Constable of Derbyshire Police who was represented during the proceedings by Ms Lorena Veale, Counsel.

9. The Chair is ACC Michelle Shooter.

10. The LQP is Ms Jennifer Ferrario.

11. The IPMs are Andrew Robotham and Mrs Shameem Maluk.

12. The IO, DSI 16953 Watson attended the hearing.

13. One witness attended the hearing.

14. No media representatives attended the misconduct hearing.

15. No members of the public attended the misconduct hearing.

Anonymity and Publicity

16. During a prehearing it was decided by the Chair that the member of the public to whom the allegation on the 27 February 2024 related, would be anonymised in terms of reporting about the hearing. This person is anonymised as Person A and was known by this name throughout the hearing.

17. The reporting restriction that was imposed included naming Person A in publishing details of the hearing by Derbyshire Police; reporting of the case by the media; for any transcript of the hearing; publication of the outcome and in respect of this outcome report.

18. In accordance with regulation 36(2), the AA published notice of the misconduct hearing on the Derbyshire Police website.

19. By the beginning of the misconduct hearing the Chair had not received any written representations from media representatives made in accordance with regulation 36(5).

20. This report is written on the understanding that a reference in the report to a page or document in the hearing bundle will not automatically lead to that page or document being made public.

21. The record of the misconduct hearing is not available to the public.

The Allegations and Response

22. The first Regulation 30 notice was served on the Former Officer on the 21 October 2024.

23. The second Regulation 30 notice was served on the Former Officer on the 17 April 2025.

24. The Former Officer submitted Regulation 31 responses on the 8 November 2024 and on the 13 May 2025.

25. In summary, the Former Officer in response to the Regulation 30 notice of the 21 October 2024, denies saying the words *'willy'* or *'black ass.'* He accepts that he spoke to PC Lawton about the prisoner but that different words were used. In response to the Regulation 30 notice of the 17 April 2025, he accepts that he used the words *'minging'* and 'ming-inn' and denies that they were used in a discriminatory or racially offensive manner.

Preliminary Matters in the Hearing

26. On day one of the hearing, when the Chair opened the proceedings, Ms Veale on behalf of the AA, raised two preliminary matters. First, she said that PC Lawton had not been warned for the hearing and had returned home at 7am following a night shift. Ms Veale said that he could attend tomorrow. Second, the Federation representative for the Former Officer, Ms Khokhar had disclosed that her mother was a close friend of the IPM, Mrs Malooq and they had lunched together the previous day. Ms Veale said that in line with the case authority of *Porter v Magill*, whilst there may be no actual bias, there may be a real possibility of a perception of bias by a reasonable well-informed member of the public.

27. Ms Khokhar confirmed to the Chair that her mother is a close friend of Mrs Malooq and agreed that another Federation representative ought to replace her. She told the Chair that Helen Gallear could attend from 11am the following

day and on day three, and that she had previously been involved in this matter and *'knows all about it.'* Ms Khokhar said that she had spoken on the telephone with the Former Officer the previous evening and he had confirmed that he would not be attending the hearing, ad he understood that it would proceed in his absence.

28. The IPM, Mrs Malooq confirmed that she and Ms Khokhar's mother are close friends.

29. The Chair received and accepted legal advice from the LQP who said that she agreed with Ms Veale that the correct test to adopt was that laid down in the case of *Porter v Magill* [2002] namely, would a fair-minded and informed observer having considered the facts conclude that there was a real possibility that the panel will be biased. The LQP reminded the panel that as the mother of the Federation Representative was a close friend of the IPM, this was a connection that might give rise to a perception of more favourable treatment. She highlighted that no disadvantage ought to be caused the Former Officer in having a different Federation representative because the proposed replacement representative, had knowledge of the misconduct proceedings.

30. The panel decided that it was appropriate to make a decision about the preliminary matters in the Former Officer's absence. He was represented by Ms Khokhar and she had spoken with him the previous evening.

31. The panel found that in the circumstances, there was a real possibility that an informed member of the public would perceive bias. It went on to find that there ought to be no disadvantage to the Former Officer in having a change in representative because Helen Gallear had knowledge of the case.

32. The Chair said that the hearing will be adjourned until 11am the following day. The Chair noted that the Former Officer had not attended the hearing and she asked Ms Khokar to speak to the Former Officer today or to ask a Federation colleague to speak to him, to make it very clear that if at any point during the hearing he can attend if he changes his mind and wishes to participate in the hearing. The Chair said that if he did not attend the following day, the panel would hear an application to proceed in his absence.

The Hearing

Application to Proceed in Absence

33. When the hearing reconvened on day two, the Former Officer did not attend. Ms Veale, on behalf of the AA, invited the Chair to proceed in his absence. Ms Gallear, Federation representative did not object. She said that she had spoken to the Former officer earlier in the morning and he had said that he understood that if he did not attend, that it would likely proceed in his absence. He said that he did not wish to attend because he did not want to 're-live' the events. Ms Gallear said that he had been 'happy for it to go ahead.'

34. The panel received and accepted advice from the LQP. The panel was advised that it should be satisfied that all reasonable steps had been taken by the AA to notify the Former Officer of the hearing and he was aware that it may proceed in his absence. The Panel was reminded of the information that it has been provided with by Ms Khokhar and Ms Gellear on this point. The LQP referred the panel to regulation 37(3)(b) of the Police (Conduct) Regulations 2020 which says that 'the proceedings may be proceeded with and concluded in the absence of the officer whether or not the officer is so represented.'

35. The Legal Adviser advised the Panel about the factors that it should take into account when considering the application to proceed in the Registrant's absence. This included reference to the cases of ***R v Jones [2002] UKHL 5*** and ***The General Medical Council v Adeogba [2016] Civ 162.*** The Legal Adviser advised the panel that if having determined that all reasonable efforts had been taken to notify the Former Officer of the hearing, it should balance any disadvantage caused to him in choosing not to attend with the AA's overriding duty to bring the matter to a fair and expeditious conclusion.

36. The panel considered the circumstances very carefully. The panel reminded itself that it had been informed by the Former Officer's Police Federation representative, Ms Gallear, that he had been aware of the hearing and had decided to voluntarily absent himself. Ms Gallear had told the panel that the Former Officer had given her no indication that if the hearing was adjourned, that he would attend. The panel decided that whilst there may be a disadvantage to the Former Officer in proceeding in his absence, it was under a duty to balance this with bringing the case to an expeditious hearing. The panel noted that the allegations related to 2024.

37. In the circumstances, the panel decided that it was in the public interest to proceed with the hearing, and it would therefore proceed in the absence of the Former officer.

The Allegations

38. The Particulars of the allegation are set out in the two Regulation 30 notices.

39. The panel during the hearing, referred to the alleged incident on the 27 February 2024 as 'allegation one.'

40. It referred to the alleged incident on the 10 November 2024 as 'allegation two.'

41. This written outcome report will continue to refer to the two alleged incidents as allegation one and allegation two.

42. On day two of the hearing, Ms Gallear told the panel that in relation to the first Regulation 30 notice the Former Officer admits the background facts and denies factual paragraph 1.8. In relation to the second Regulation 30 notice she said that he admits the comments alleged and denies paragraph 2.1 in terms

of his conduct. In summary, that in relation to both incidents, he denies using language that was racist, discriminatory or offensive.

The evidence

43. The panel had been presented with a hearing bundle of 119 pages including witness statements.

44. The panel during the hearing heard live evidence from:

PC 15425 Lawton

45. In summary, PC 15425 Lawton told the panel that the content of his witness statement dated 4 March 2024 was true. He said that he was certain that he had heard the Former Officer say the words that were in his witness statement. When it was suggested to him by Ms Gallear that he may have been distracted that night, he said that he had not been distracted. He went on to tell the panel that whilst he had had to sometimes correct the Former Officer's use of English, he had had no reason to doubt that he had meant to say the words that he had in the van on the night in question.

Submissions

46. Ms Veale, on behalf of the AA, referred the panel to the AA's Opening Note. She said that in relation to allegation one, PC Lawton had been very clear in his witness statement and in his oral evidence that the Former Officer had said *'I hope [Person A] remembers what I have done for him tonight, I have had to touch his willy and his black bastard arse.'* PC Lawton said that when he challenged the Former Officer about his comment being inappropriate, the Former Officer said *'I did not mean it in a racist way, when I was helping him on the toilet I just saw that his arse was darker than him.'* Ms Veale reminded the panel that PC Lawton's witness statement was prepared five days after the incident. PC Lawton also told his supervising officer immediately and therefore his account of what was said was contemporaneous. Ms Veale said that PC Lawton had had no motive for fabricating his evidence.

47. In relation to allegation two, Ms Veale said that the Former Officer had admitted using the word *'Ming-inn'* and *Ming-ing.'* This second incident took place whilst the Former Officer was being investigated for the first incident and both concerned the use of inappropriate language.

48. Ms Veale said that there is no evidence to suggest that the Former Officer's use of language had been due to English not being his first language. To the contrary, there is evidence in the bundle including from the Former Officer to demonstrate that his English is extremely fluent.

49. Ms Veale invited the panel to find the factual allegations proved, on a balance of probability. She invited the panel to draw an adverse inference from the Former Officer's absence in line with **Iqbal v SRA [2012] EWHC 3251 (Admin)**.

50. Ms Veale said that it is not necessary for the panel to find that the Former Officer is racist 'per se' but that in both scenarios the language used was racist and/or offensive and at the very least indicative of a problematic attitude by the Former officer towards ethnicity.

51. It was submitted that the comments were discriminatory in nature. Ms Veale said that the Officer during his interview had accepted that he had made the comment because of Person A's race. Ms Veale said that this irrelevant comment about the colour of his skin ought to be regarded by the panel as discriminatory. She invited the panel to find that members of the public ought to be able to trust police officers that they will not act in a discriminatory manner. Ms Veale described the breach of professional standards in relation to allegation one as 'very serious.'

52. In relation to allegation two, Ms Veale submitted that mocking persons of Chinese ethnicity is entirely inappropriate. She said that using language related to people of Chinese origin that was derogatory, ought to be regarded as discriminatory. She reminded the panel that members of the public ought to be able to rely on police officers not to act in a discriminatory manner. The Former Officer said during his interview that he had understood the connotations of the words used. Ms Veale said that the use of this language in a joke, together with the language used during his interview, supports the AA's case that the Former Officer has fluency of the English language.

53. Ms Veale said that if the panel finds breaches of the professional standards alleged, that it should consider the Former Officer's conduct 'in the round' in line with the 2020 HOG when assessing the level of seriousness of the misconduct. It was submitted that whilst allegation two may be less serious, the panel ought to have regard to the incident having arisen whilst the Former Officer was being investigated for the first incident. She invited the panel to consider this as an aggravating factor. Ms Veale said that further aggravating factors were the fact that these incidents had occurred early into the Former Officer's career; relatively soon after his initial training; and Person A had been a vulnerable person.

54. The panel was referred to the 2020 HOG in terms of discriminatory behaviour and the level of seriousness to be considered. Ms Veale invited the panel to find that public confidence in the policing profession would be seriously reduced it members of the public were informed of the two incidents. She said that taken 'in the round' the panel ought to find that the level of wrong-doing amounts to gross misconduct.

55. Ms Gallear on behalf of the Former Officer said that in terms of allegation one, the Former Officer was adamant that he had not used the words alleged. She told the panel that the Former Officer always translated words that he wanted to say from Turkish to English before saying them out loud. She said that there had been no previous issues with his conduct and PC Lawton had said in his

witness statement that he did not consider the Former Officer to be a racist person.

56. Ms Gallear said that he is extremely apologetic and 'clearly there has been a breach of standards however he never intended to offend or upset anyone and he would like to apologise to everyone here for what has happened.' He understands the purpose of the police misconduct regime. She said that he has now *'left the organisation because the proceedings have had a huge adverse impact on him'*.

Legal Advice

57. The panel received and accepted legal advice from the LQP. It was advised that the onus of proof is on the AA. The standard of proof to be applied in a misconduct hearing is set out by regulation 41(16) of the 2020 Regulations, as follows:

41(16) 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.

58. Guidance on the standard of proof is given at paragraphs 9.10 – 9.11 of the 2020 Home Office Guidance. Findings of fact in this case should be made in accordance with the civil standard of proof: the balance of probabilities.

59. The LQP advised the panel that it should assess the evidence and consider how much weight if any to attach to the documentary evidence and live evidence. The panel was advised that it should proceed cautiously when assessing whether to draw any adverse inference by the absence of the Former Officer. The LQP referred to the case of ***R (on the application of Kuzmin) v GMC* [2019] EWHC 2129** and advised that in line with this case authority, the panel should only draw an adverse inference were (a) there is a prima facie case against the Former Officer (b) the Former Officer has been given a warning that an adverse inference may be drawn if he does not attend the hearing (c) there is no reasonable explanation for his non-attendance and (d) there are no other circumstances that would make it unfair for the panel to draw an adverse inference. The LQP advised the Chair to enquire as to whether the Former Officer had received a warning.

60. In relation to the incident on the 27 February 2024, the LQP referred the panel to particular 1.8. The LQP advised that the panel should in the first instance, determine whether the words alleged were said. If it finds that the words were said, it should go on to decide whether the words were offensive and/or discriminatory and/or disrespectful and/or racially offensive and/or seriously

offensive, as set out in particulars 2.1.1, 2.1.2 and 3.2 of the Regulation 30 notice.

61. In relation to the incident on the 10 November 2024, the panel was referred to particulars 1.3, 1.4 and 1.8 and was advised to decide whether the alleged words were said. The LQP advised that if it finds that the words were said, it should go on to decide whether the words were inappropriate as set out at particular 2.1 and/or discriminatory and/or racially offensive as set out at particular 2.1.1.

62. Th LQP advised that there is a difference between the use of racially offensive words or racist words, and an allegation of being racially motivated. She advised that whether or not someone has acted in a racially motivated manner would require the panel to consider the Former Officer's state of mind when he said the words. The allegations are that he used racist and/or discriminatory language and/or that it was offensive or disrespectful. In terms of being discriminatory, this means that the panel would need to be satisfied on balance that in saying what he did on either occasion, that he was treating people with dark skin and/or of Chinese origin, less favourably than he would treat others. The LQP went on to advise that when assessing whether the words were racist and/or offensive, the panel should apply an objective test and there was no need to consider the Former Officer's intention in using them.

63. The panel was referred to the case of ***R (on the application of Lambert-Simpson) v HCPC*** **[2023] EWHC 481 (Admin).** This case highlights that words spoken may be 'inappropriate or ill-advised' but this does not necessarily mean that they are racist. The panel was invited to consider the interview transcripts in relation to the Former Officer's interviews on the 17 July 2024 and the 10 March 2025. The LQP advised that the case of ***Lambert-Simpson*** states that a panel should consider when assessing whether language was racist or discriminatory, if a 'racial slur' or a 'highly derogatory remark' was used.

64. The panel was advised that it ought to regard the Former Officer as a person of good character as it had no evidence to the contrary.

65. The LQP went on to advise the panel that once it had established the facts on a balance of probability, it should then apply Regulation 41(15) of the 2020 Regulations. This provides:

41(15)(b) 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 –

'In the case of a misconduct hearing, to misconduct, gross misconduct or

neither.'

66. The panel was advised to consider the Standards of Professional Behaviour contained in Schedule 2 to the 2020 Regulations (incorporated by regulation 5) and decide whether there had been any breaches as alleged in the Regulation 30 notices. The panel was advised to consider the 2020 HOG when considering the professional standards of policing and to cross reference the standards with the facts of the case that had been found proven, if any. The panel was advised to assess the level of any breach and the level of seriousness. It should then proceed to determine whether the breaches amount to gross misconduct, misconduct or neither.

67. Regulation 2(1) of the 2020 Regulations provides a definition of 'misconduct' as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.

68. Regulation 2(1) of the 2020 Regulations also provides a definition of 'gross misconduct' – a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

69. The LQP advised that any decision by the panel in terms of whether the conduct found proven amounts to misconduct, gross misconduct or neither should be based on a majority but the panel is not required to say in the hearing whether the decision was unanimous or a majority.

Panel Decision on the Facts

Allegation one: 27 February 2024

70. Having considered the evidence very carefully the panel determined on a balance of probability, the factual circumstances to be as follows:

71. On the 27 February 2024, the Former Officer was on a 22.00 to 07.00 shift and at 23.00 he was asked to attend the Royal Derby Hospital with PC Lawton. The officers were required to constantly observe a prisoner, Person A. The officers left the hospital at approximately 04.00 hours. On arrival at the police van in the car park, PC Lawton said something along the lines of *'Person A will remember you helping him out and he will show respect'* and the Former Officer replied *'I hope he remembers what I have done for him tonight, I have had to touch his willy and his black bastard arse.'* PC Lawton challenged the Former Officer about his comment and the Former Officer said words to the effect of *'I did not mean it in a racist way., when I was helping him on the toilet I just saw that his arse was darker than him.'*

72. PC Lawton told the Former Officer that he will be in deep trouble if anyone heard him talk about Person A in the way that he had. PC Lawton said in his witness statement that he believed it to be a 'throw away comment' and the Former Officer had not understood the potential impact of his words. PC Lawton told his supervising officer about the Former Officer's conduct on the 28

February 2024 and she told the Former officer that same day, that he would be reported to the Professional Standards Branch. The Former Officer was subsequently interviewed by the PSD on the 17 July 2024. He denied saying the words alleged and maintained that PC Lawton must have mis-heard or misunderstood him.

73. The panel considered that it had no evidence to suggest that PC Lawton had fabricated his evidence. It saw no benefit to PC Lawton in reporting the Former Officer's conduct. It had been suggested to PC Lawton by Ms Gallear, that he had been distracted on the day and may have mis-heard the Former Officer's comment about Person A. PC Lawton denied being distracted and said *'100%, I heard him say that.'*

74. The panel noted that PC Lawton reported the comment to his supervising officer very soon after the incident and five days later he prepared his witness statement. The panel reminded itself of the statement from the supervising officer in which she says PC Lawton told her that the Former Officer had used the words *'I had to see his black bastard ass.'*

75. The panel considered that PC Lawton had been a tutor officer and was therefore experienced. It decided that preparing a witness statement will have been a serious step for PC Lawton.

76. The panel did not draw an adverse inference by the Former Officer's absence. It was not satisfied on balance, that the Former Officer had been warned that if he did not attend the hearing, that an adverse inference may be drawn.

77. The panel determined that the words 'willy' and 'black bastard arse' were disrespectful and the words 'black bastard arse' had the capacity to cause upset and offense. The panel considered that Person A if he knew that he had been spoken of in this way would likely feel insulted and annoyed. The panel went on to consider whether the words were discriminatory. The panel reminded itself that the Former Officer told PC Lawton after being challenged, that he noticed that *'his arse was darker than him.'* The panel took from this, that the words used by the Former Officer were related to Person A's race.

78. The panel decided that on balance, the words used amounted to less favourable treatment because of Person A's race and had therefore been discriminatory in nature.

79. The panel considered whether the words used were racially offensive. It reminded itself of the *Lambert-Simpson* case and determined that the words used, targeted Person A's race or ethnicity because they related to remarks about the differences in the colour of his skin because of his mixed race origin. The panel found that the comment was racially insensitive which could cause upset.

80. It decided on balance that the words used had been racially offensive.

81. The panel, having carefully considered the evidence including the background circumstances, determined on balance that the Former Officer had not intended to make a racist comment. Immediately before making the comment, the Former Officer had acted respectfully towards Person A when he was with him and there was no evidence to suggest any racist behaviour by him towards Person A or anyone else. The panel found that he had spoken words that had been racist and discriminatory but that this had not necessarily been his intention.

82. The panel did not have any evidence from Person A to the effect that he had felt disrespected by the Former Officer's words.

83. In summary and with reference to the relevant Regulation 30 served on the 21 October 2024, the panel found as follows,

    1.1 – 1.7 – admitted and proven

    1.8 – proven

    1.9 – admitted and proven

    2.1.1 – proven

    2.1.2 – proven

    2.1.3 – proven on the specific basis that the words used to PC Lawton in the absence of Person A were disrespectful and lacked courtesy.

    2.1.4 – proven on the specific basis that the words used to PC Lawton in the absence of Person A were discriminatory in nature.

Allegation two: 10 November 2024

84. Having considered the evidence very carefully the panel determined on a balance of probability, the factual circumstances to be as follows:

85. On the 10 November 2024, whilst on duty at around 11.20 hours, the Former officer approached a colleague and asked her *'What do you think a good name would be for a Chinese Takeaway shop'*. When the colleague said she did not know, the Former Officer showed her a picture of a Chinese takeaway restaurant with the name Ming Inn and said *'Do you get it, Ming-inn.'* The Former Officer walked away and according to the female colleague, she thought nothing further about it. He was then seen to be laughing by other colleagues including the acting Sergeant and they asked him twice why he was laughing, when he said *'I was just telling (a colleague) that if a Chinese person opened a restaurant it should be called Ming-ing.'*

86. A few minutes later, the acting Sergeant invited the Former Officer into the office and told him that he wanted to explore the meaning behind his comment. The Former Officer then fainted and when he was responsive, he was taken

home. The Former officer was interviewed about the words that he had used on the 10 March 2025 by the PSD. He said that he had used the words *'Ming-inn'* and *'minging'* but not in a derogatory or discriminatory manner.

87. The panel reminded itself of the Former Officer's Regulation 31 notice which was consistent with his interview. He had denied using the term 'minging' to give a negative connotation about the relevant premises because it was Chinese.

88. The panel carefully considered the words that the Former Officer had spoken. The panel determined that there is only one widely accepted definition of the slang word 'minging' which is 'bad or unpleasant.' It went on to find that the Former Officer had made a joke in very bad taste and it had had a negative connotation towards a Chinese restaurant.

89. The panel considered whether the words used were discriminatory and/or racially offensive. It determined that as the words were related to a Chinese premises, this would likely cause upset to persons of a Chinese origin. This, together with a connection to the Chinese race amounts to unfavourable treatment of an ethnic minority and was therefore discriminatory in nature.

90. In summary and with reference to the relevant Regulation 30 served on the 17 April 2025, the panel found as follows,

1.1: - 1.8 admitted and proven
2.1 – proven
2.1.1 - proven
2.1.2 - proven

Misconduct, Gross misconduct or neither

91. Having found the factual allegations proven, the panel went on to determine whether the Former Officer had acted in breach of the Standards of Professional Behaviour as set out in Schedule 2 to the 2020 Conduct Regulations. The panel had regard for the AA's opening note, and closing submissions by both parties.

92. The panel considered each professional standard in turn as set out in the Regulation 30 notices and assessed whether there had been a breach. The panel reminded itself of the content of the 2020 HOG. It also had regard to the Former Officer's good character.

Allegation one
27 February 2024

93. The panel found that the Former Officer had had no legitimate reason for saying the words that he did. There had been no provocation or prompt. The panel had

already determined that the words used had been discriminatory. It went on to determine that his words had not treated Person A or persons of mixed race with fairness or impartiality. The panel found that there had been a breach of the professional standard, Equality and Diversity.

94. The panel considered that in having no reason say the words that he did to PC Lawton, that he had showed a lack of self-control and tolerance. He had also failed to show respect and courtesy towards persons of mixed race. For these reasons the panel found that there had been a breach of the professional standard, Authority, Respect and Courtesy.

95. The panel found that a reasonable fully informed member of the public would be shocked to learn of the Former Officer's conduct. The panel went on to determine that the Former officer's conduct would seriously undermine public confidence in the police service.

96. For these reasons the panel determined that the conduct of the Former Officer fell below the professional standard of Discreditable Conduct.

97. In terms of how far short the Former Officer had fallen of the professional standards expected, the panel assessed on the evidence, that the use of discriminatory language by referring specifically to the colour of Person A's skin and the derogatory language used, had demonstrated a serious lack of self-control. The panel had found the comments to have been entirely unprompted and unnecessary. Person A had been a vulnerable person and had not acted in any way to justify the Former Officer's comment. The Former Officer will have received training in equality and diversity when he had been recruited in 2023.

98. The panel determined that the conduct had the potential to seriously undermine confidence in the policing profession. For these reasons the panel found that the breaches of the professional standards had been at the higher level of the spectrum.

99. The panel went on to remind itself of the definition of misconduct and gross misconduct in line with the 2020 Regulations. It decided that having found a serious breach of the professional standards, that it could not rule out dismissal as an outcome.

100. In view of the panel's findings, it determined that the breaches of the professional standards in relation to allegation one are at such a level that a finding of gross misconduct is appropriate and proportionate.

Allegation two
10 November 2024

101. The panel found that the Former Officer had had no legitimate reason for saying the words that he did. He was making a joke. The panel had already determined that the words used had been discriminatory. It went on to determine that his words had not treated members of the Chinese community with fairness or impartiality. The panel found that there had been a breach of the professional standard, Equality and Diversity.

102. The panel went on to find that a reasonable fully informed member of the public would find the Former Officer's conduct to be unacceptable. The panel determined that there had been a breach of the professional standard, Discreditable Conduct.

103. In terms of how far short the Former Officer had fallen of the professional standards expected, the panel decided that the breaches were not serious however they were more than trivial. It placed the level of the breaches at the lower level of the spectrum.

104. The panel went on to remind itself of the definition of misconduct and gross misconduct in line with the 2020 Regulations. It decided that having regard to the panel's findings thus far, that as an isolated incident, the panel would have likely ruled out dismissal as an outcome for the second allegation.

105. It determined that had allegation two occurred in isolation, it would have more likely than not, considered it to have amounted to misconduct. However, allegation two did not occur in isolation. It was the second of a similar type of behaviour within a period of nine months and it occurred whilst the Former officer was being investigated by Derbyshire Police's Professional Standards Department. The panel was satisfied on balance, that this increased the seriousness of the conduct, and the breaches of the professional standards such that dismissal could not be ruled out.

106. Having regard to its findings, the panel determined that the breaches of the professional standards in relation to allegation two were also at such a level that a finding of gross misconduct is appropriate and proportionate.

Principles applicable to considering outcome

107. The Guidance on Outcomes provides (paragraph 3.30) that the Conduct Regulations apply to former officers *'with some important differences in the possible sanctions and outcomes, the details of which are explained in the HOG.'*

108. The relevant paragraph of the HOG is 20.66:

d) Where there is a finding of gross misconduct, the panel can only consider two potential outcomes: Disciplinary action or no disciplinary action,

e) Where there is a finding of gross misconduct and disciplinary action imposed it can only be that the former officer would have been dismissed if they had still been a member of a police force. There is no option to enforce other sanctions .. if the panel determines that the matter does not justify the sanction that the former officer would have been dismissed, no action will be taken and the finding of gross misconduct recorded. '

109. Paragraph 3.33 of the Guidance on Outcomes provides:

'Before a panel decides to impose the disciplinary action that the former officer would have been dismissed if still serving, it must follow the same process that applies to serving police officers in arriving at what the appropriate sanction would have been.'

110. At this stage of the hearing, the AA provided the panel with a copy of the Former Officer's record of police service and the panel had regard to it.

111. The panel heard further oral submissions from Ms Veale on behalf of the AA. She referred the panel to the AA's opening note. She invited the panel to remind itself of the purpose of imposing sanctions and she confirmed that the Panel has two options, either to take no disciplinary action or to take disciplinary action which would be akin to a dismissal. Ms Veale submitted that the panel should assess the seriousness of the findings. She said that the level of culpability and harm ought to be considered. She submitted that culpability should be regarded as high because there was no reason for the Former Officer's conduct, and Person A. had been vulnerable at the time. She said that harm ought to be found in terms of public confidence.

112. Ms Veale said that there is national concern about discrimination amongst the police service and therefore protecting the reputation of policing having regard to the discriminatory nature of the findings, ought to be a priority for the panel. Ms Veale said that there has been an element of trying to conceal wrong-doing in the form of a 'watering down' of allegation one. In relation to allegation two, she said that in being reluctant to repeat the joke to more senior police officers, the Former Officer knew that he had acted inappropriately. Ms Veale highlighted that there had been two similar incidents within a relatively short period of time, and the second, during a PSD investigation. She invited the panel to consider the list of potential aggravating and mitigating factors as set out in the Outcome Guidance.

113. Ms Veale said that given the national climate in relation to discrimination in policing, coupled with the circumstances surrounding the findings, that the only reasonable and proportionate outcome would be for the panel to take disciplinary action.

114. The panel heard further submissions from Ms Gallear on behalf of the Former Officer. She said that the panel should have the purpose of imposing a sanction at the forefront of its mind. She said that there is evidence of genuine

remorse and an acceptance that he used words, on both occasions, that could have caused offence. She said that he is a family man, and a person of a previous good character. Ms Gallear said that the lowest possible outcome should be imposed to enable him to keep his current job. She told the panel that the Former Officer has been offered a position with the Local Authority however a permanent role is only available to him if he is not placed on the barred list.

115. The panel received and accepted legal advice from the LQP. The LQP advised the panel that it should have regard to paragraph 20.66 of the HOG in terms of the available outcomes for a former police officer. The panel was also advised to refer to the College of Policing's 'Guidance on Outcomes in police misconduct proceedings' and to impose an outcome that is appropriate and proportionate having regard to its assessment in terms of seriousness, culpability, and harm. The LQP advised that whilst the purpose of police misconduct proceedings is not to be punitive in its approach on outcome, the interests of the profession as a whole ought to be given priority as opposed to the impact of a particular outcome for the former police officer as outlined in *Bolton v Law Society* [1994].

116. The LQP referred the panel to paragraph 3.31 of the Outcomes Guidance in terms of the outcome options, and the questions that the panel should ask itself at this stage of the proceedings. The LQP directed the panel to the following:

(a) The 2020 Home Office Guidance says at paragraph 11.116:

'In determining an appropriate outcome at a misconduct hearing, the panel must consider and have due regard to 'Guidance on outcomes in police misconduct proceedings' issued by the College of Policing'.

(b) At paragraph 4.2, the Guidance on Outcomes cites the case *Fuglers LLP v Solicitors Regulatory Authority* [2014] EWHC 179 (Admin) and says:

'As Mr Justice Popplewell explained, there are three stages to determining the appropriate sanction:

- *Assess the seriousness of the misconduct.*
- *Keep in mind the purpose of imposing sanctions.*
- *Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.'*

(c) The College of Policing outcomes guidance says at paragraph 4.3,

'Assess the seriousness of the proven conduct by reference to,

- *The officer's culpability for the misconduct.*
- *The harm caused by the misconduct.*
- *The existence of any aggravating factors.*
- *The existence of any mitigating factors.'*

Assessing seriousness:

Culpability and Harm

Allegation one:

27 February 2024

117. The panel considered the Outcomes Guidance and the submissions from both parties and had regard for paragraph 4.9 of the Guidance. It determined that he intended to make the comments and his actions were deliberate. It did not accept, on balance and having regard to the evidence, that he did not understand what he had said because English is not his first language. The panel went on to find that he had not intended for the words said to have been discriminatory and that he was careless in what he had said rather than deliberately trying to cause offence.

118. In terms of culpability, the panel considered that the Former Officer should have reasonably foreseen the risk of harm to public confidence and should not have said the words that he did. The panel considered that the level of culpability was not heightened by the circumstances. Person A, whilst a vulnerable person at the time of the misconduct, had not been involved in the incident. The panel had found that the Former Officer had treated him with respect up to the point that he had made the comments about Person A, to PC Lawton. Person A had been unaware of the Former Officer's conduct and had not suffered any harm.

119. Paragraph 4.54 of the Outcome Guidance says *'Discrimination towards persons on the basis of any protected characteristic is never acceptable and always serious.'* The panel had regard for this together with paragraph 4.58 which referred to 'unconscious discrimination.' The panel had previously found that the discrimination had been unconscious and unintentional. It regarded it as serious but not 'particularly serious.'

120. Having carefully considered the evidence and the submissions the panel found that the Former Officer was culpable for his actions. It went on to find that his actions amounted to a medium to high level of culpability.

121. The panel considered the harm caused by the Former Officer's actions and referred to the relevant paragraphs of the Outcome Guidance. Paragraph

4.66 says: 'Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.'

Paragraph 4.69: 'How such behaviour would be or has been perceived by the public will be relevant whether or not the behaviour was known about at the time.'

Paragraph 4.74: 'Where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow.'

122. The panel was satisfied that the harm caused in this case was reputational harm and determined that the impact or potential impact on public confidence in policing was high. The harm or potential harm caused was therefore of a high level.

Aggravating Factors

123. The College of Policing outcomes guidance at paragraph 4.76 sets out factors which indicate a higher level of culpability or harm.

124. The panel identified the following aggravating factors:

(a) There are breaches of three of the professional standards.

(b) Discrimination is a matter of national concern in policing.

Mitigating Factors

125. The College of Policing outcomes guidance at paragraph 4.79 sets out factors which tend to reduce the seriousness of the misconduct.

126. The panel identified the following as mitigating factors,

(a) The Former's Officer's actions had been careless in terms of the discriminatory nature, rather than intentional or deliberate.

(b) There was no evidence that Person A was aware of the Former Officer's misconduct, or that he had been impacted by it.

(c) The Former Officer had shown some insight and remorse.

Allegation two

10 November 2024

127. The panel considered the Outcomes Guidance and the submissions from both parties and had regard for paragraph 4.9 of the Guidance. It determined that the Former Officer intended to make the joke that linked a derogatory term to the Chinese community however he did not understand at the time, the impact that his joke could potentially have. He gave no thought about the extent to which it could have been regarded as racially offensive.

128. In terms of culpability, the panel considered that the Former Officer should have reasonably foreseen the risk of harm to public confidence and should not have said the words that he did.

129. The panel had regard for paragraphs 4.54, 4.57 and 4.58 of the Outcomes Guidance. The panel had previously found that whilst the Former Officer had intended to make the joke, he had not given any thought about the discriminatory element or the potential impact.

130. Having carefully considered the evidence and the submissions, the panel found that the Former Officer was culpable for his actions. It went on to find that the incident had been at a low level of seriousness however culpability was heightened because it had been a second similar incident within a period of nine months. The Former Officer should have been even more aware of the reasonable risk of harm to public confidence because he had been under investigation at the time by the PSD for similar behaviour. The panel determined that for the second allegation, the level of culpability is borderline low to medium.

131. The panel considered the harm caused by the Former Officer's actions and referred to the paragraphs 4.66, 4.69 and 4.74 of the Outcomes Guidance.

132. The panel was satisfied that the harm caused in this case was reputational harm and the impact or potential impact on public confidence in policing was medium.

Aggravating Factors

133. The College of Policing outcomes guidance at paragraph 4.76 sets out factors which indicate a higher level of culpability or harm.

134. The panel identified the following aggravating factors:

(a) The incident occurred whilst the Former Officer was being investigated for similar behaviour, by the PSD. The panel reminded itself that the Former Officer had been interviewed by the PSD in July 2024. He should have realised that to make the joke would have been improper because his use of language had previously been a cause for concern.

(b) The conduct was similar to previous conduct and within a nine month period. It suggests a propensity to use inappropriate language.

Mitigating Factors

135. The College of Policing outcomes guidance at paragraph 4.79 sets out factors which tend to reduce the seriousness of the misconduct.

136. The panel identified the following as mitigating factors,

(a) The Former Officer made partial admissions in terms of the misconduct.

(b) He has shown some remorse and insight into his actions.

Personal Mitigation

137. Guidance on personal mitigation is provided at section 6 of the Outcomes Guidance. The Officer's antecedents confirmed that he had had a clean disciplinary record and the panel had taken this into account.

138. The panel has had regard for the Guidance. It considered the several character references provided on behalf of the Former Officer. The panel noted that the testimonials described the Former Officer as diligent, conscientious, hard-working and caring. The testimonials had been prepared by police officers and non-police officers.

139. The panel considered that the content of the testimonials was positive however it determined that they did not impact on the level of culpability or overall seriousness.

Purpose of imposing sanctions

140. The College of Policing Outcomes guidance says:

Paragraph 2.2: When determining the appropriate outcome to impose, consider the purpose of police misconduct proceedings.

Paragraph 2.3: The purpose of the police misconduct regime is threefold:

(1) To maintain public confidence in, and the reputation of the police service.
(2) To uphold high standards in policing and to deter misconduct.
(3) To protect the public.

Findings on outcome

141. In determining the appropriate and proportionate outcome to impose, the panel considered the purpose of police misconduct proceedings and had regard to paragraph 20.66 of the HOG.

142. The panel referred to the Outcomes Guidance. It noted that according to paragraph 6.6, the primary consideration for the panel is the seriousness of the misconduct found proven.

143. The panel reminded itself that it had found the misconduct in terms of allegation one to have been serious, and the level of identified harm, as high. It considered that key to police misconduct proceedings is the maintaining and promoting of public confidence in the policing profession. The panel had previously found that discrimination amongst police officers was a matter of national concern, and the panel considered its duty to protect the reputation of the police.

144. In relation to allegation two, whilst this had been found to be less serious, the panel had identified a propensity for the Former Officer to use inappropriate and discriminatory language.

145. The panel considered the potential impact for the Former officer if it decided to take disciplinary action, which would automatically place him on the Police Barred list. It considered this alongside the issue of proportionality. The panel reminded itself of paragraph 6.5 of the Outcomes Guidance and the case authority of *Bolton v Law Society* [1994] which states that *'The reputation of the profession is more important than the fortunes of any individual member.'*

146. The panel concluded that in the circumstances, having found gross misconduct, it could justify dismissal as an outcome. In line with paragraph 3.31 of the Outcomes Guidance, it decided that dismissal would be justified if the Former Officer had still been in service. There was therefore only one appropriate and proportionate conclusion that it could reach in the circumstances, namely, to impose disciplinary action.

147. In practical terms, this means that had the Former Officer still been a member of the Derbyshire police force, the panel would have dismissed him.

Report to the College of Policing

148. Derbyshire Police will be required to report the officer to the College of Policing under the Police Act 1996, section 88A. This report is written in the expectation that Derbyshire Police will submit a copy of it to the College of Policing.

149. This report is a convenient place to record what information if any, I as the Chair of the panel consider in accordance with regulation 42(16) of the 2020 Regulations, ought to be included in the AA's report by virtue of regulation 3(2)(1) of the Police Barred List and Police Advisory List Regulations 2017. In my opinion there is no such information that I consider ought to be added.

Right of appeal

150. Paragraph 11.158 of the 2020 Home Office Guidance says:

A police officer has the right to appeal against the finding or outcome of a misconduct hearing to a Police Appeals Tribunal. The Officer must be informed of their right to appeal when notified out of the outcome (Regulation 43(2) of the Conduct Regulations).

151. Paragraph 9(1) of the Police Appeals Tribunals Rules 2020 provides:

Subject to rule 10, a police officer or former police officer who wishes to appeal to a tribunal must give notice of the appeal before the end of 10 working days beginning with the first working day after the day on which the officer is first supplied with a written copy of the relevant decision.

Publicity

152. In accordance with regulation 43(6) of the 2020 Regulations, I am required and do require the AA to publish this report on the Derbyshire Police website for not less than 28 days, as soon as is practicable after it receives the report and has notified the officer concerned.

153. This report should be redacted for publishing in that the member of the public anonymised in the hearing as Person A, should continue to be referred to as Person A.

154. If the Former Officer exercises his right to appeal to a Police Appeals Tribunal, the AA will in due course be required to re-publish this report under regulation 26(11)(b) of the Police Appeals Tribunal Rules 2020.

ACC Shooter

Date: 22nd August 2025