Accelerated Misconduct Hearing (AMH) 22 December 2025 Detective Sergeant 42003559 Nicholas Riley

I have read all the papers presented to me and heard the case put forward by the Appropriate Authority.

In particular, the certificate issued by DCC Nolan as Appropriate Authority (AA) that the special conditions for an accelerated misconduct hearing are met under S49 Police Conduct Regulations (PCR) 2020. I fully concur with this decision.

I have considered the written submissions prepared by Ms Emily Campbell on behalf of the Appropriate Authority and adopted and referred to by Ms Campbell during the hearing.

I have also read the documentation pack provided in support of the hearing.

I have also read and reminded myself of the relevant areas of the Home Office Guidance 2020, the College of Policing (COP) Code of Ethics relevant at the time, the Standards of Professional Behaviour as set out in Schedule 2 of the Police (Conduct) Regulations 2020 and the COP guidance on outcomes in police misconduct proceedings as updated in August 2022.

In this and all my determinations on decisions, I am considering the information and evidence I am provided with and assessing this against the test of 'balance of probability'.

Anonymity Decision

The AA has proposed that the two officers that were subject to the conduct are not named throughout any reporting of the case. They will be referred to as Person A and Person B throughout the hearing and any record of the hearing. The AA has also proposed any detail pertaining to DS Riley's [REDACTED TEXT] is not disclosed due to this being a sensitive [REDACTED TEXT].

I fully concur with the proposals submitted by the AA. Person A and Person B are victims of the misconduct and there are vulnerabilities in naming them. There is also no public interest in naming them, and the names would not add to any decisions I am required to make. Therefore, I agree that the individuals will be named as Person A and Person B throughout the hearing and any subsequent reporting.

In relating to DS Riley's [REDACTED TEXT] there will be no publication of any [REDACTED TEXT]as this is not pertinent to any decisions or the AA's case; so there is no necessity or public interest for them to be included in the record. If there is anything that comes up throughout the hearing that is relevant these will be redacted. This is to protect the Article 8 Rights of DS Riley.

Decision to Proceed in Absence

The AA has submitted to proceed in the absence of DS Riley as he has had notice of the hearing and has indicated that he does not intend to attend the hearing or has not engaged in any part of the proceedings. DS Riley has not responded to any of the allegations against him and has resigned ahead of the hearing with his last date of service being requested as 7th

January 2026.

I agree to proceed in absence of DS Riley as there is no issue of fairness, and it is in the public interest to continue with the hearing today. DS Riley has had a direct order to attend the hearing and has had the opportunity to do so. There is indication from his Federation Representative that he won't attend, and he has chosen not to. There is no unfairness to DS Riley to proceed today, and it is in the interest of the force and the public to do so.

Decision as to whether the conduct took place

The Appropriate Authority have set out clearly in the opening note and in the allegation of the breaches of the Standards of Professional Behaviour against DS Nick Riley and the officer's conduct.

The AA sets out the behaviour of DS Riley as the following:

- On a date in or around February 2025, DS Riley concealed an Essex Police mobile phone under the desk of Person A, in their private office at Harlow Police Station.
- DS Riley did this to remotely listen to private conversations taking place in Person A's office.
- Between February and April 2025, there were a total of 59 calls between DS Riley's personal mobile and work mobile phone. During this time DS Riley's work mobile phone was concealed in Person A's office.
- In the 2 weeks prior to discovery of DS Riley's concealed work phone by Person A there were several long duration calls from DS Riley's personal mobile phone to his work mobile phone including the following:

Date	Start Time	End Time	Duration (hh:mm)
03/04/2025	11:50	19:17	07:27
	20:20	21:49	01:29
04/04/2025	13:30	16:39	03:09
06/04/2025	06:37	08:06	01:29
	12:17	15:35	03:18
	16:10	20:11	04:01
07/04/2025	07:18	07:58	00:40
	08:08	13:02	04:54
08/04/2025	06:37	14:54	08:17
15/04/2025	06:36	10:45	04:09

- On all the above dates DS Riley was on-duty and present in Harlow Police Station.
- On all the above dates Person A was on-duty and present in Harlow Police Station.
- On all the above dates, DS Riley remotely listened to private conversations taking place in Person A's office.
- On the 15th April 2025, DS Riley was on duty and in the company of Person B when Person A called Person B and asked to speak to DS Riley on loudspeaker.
- When Person A confronted DS Riley about his actions over the phone, DS Riley said that he did not trust Person A and that he felt that Person A wanted DS Riley moved to a different team or words to that effect.

I have considered the allegations as set out in the Regulation 51 notice against the standard of

a balance of probability. I have been clear to consider the comprehensive evidence set out by the AA in the bundle and the specific points that the counsel for the AA has drawn me to.

I have had throughout in my mind that is the job of the AA to prove the case, especially in the absence of DS Riley. He has had the opportunity to put forward an alternative version and his explanation to counter the allegations, but he has not done so.

I find the conduct set out above proven on balance of probabilities. It is clear that DS Riley was working on the dates listed, working back from the date the phone was found in Person A's office on the 15th April 2025. At that point the work mobile phone was registered to DS Riley and was connected to his personal mobile phone. Person B also confirmed this.

I also find it proven that DS Riley was listening to the phone concealed in Person A's office by using his personal mobile phone; all the calls were conducted in the same way and for the same reason.

Standards of Professional Behaviour Engaged

The AA proposed that the following standards are engaged as set out in the conduct above:

- Honesty and Integrity
- Confidentiality
- Discreditable Conduct

I agree with the case from the AA that all three standards are engaged.

I find the standard of **Honesty & Integrity** engaged as police devices are issued to do police work; DS Riley had put his work phone in Person A's office to listen. This is a breach of integrity as the device was used for a purpose that it shouldn't. It is a reasonable assumption that DS Riley was listening into Person A's office and this was not the right thing to do with the phone and therefore undermines DS Riley's integrity

I also find the standard of **Confidentiality** engaged as the only reasonable assumption for DS Riley's behaviour was to listen to confidential information. The private office was also used by Person B for counselling sessions and this means that DS Riley was potentially listening to information that he shouldn't have listened to and that was private.

I also find the standard of **Discreditable Conduct** engaged as the public expect police officers to use the equipment given to them for policing purposes. They would not expect a Detective Sergeant to use the device to listen to confidential information, they would expect police officers to protect confidential information. If the public knew officers were doing this and not investigating crimes, as they should be, then this brings the officer and the wider police service into disrepute.

Gross Misconduct

In considering whether the behaviour is misconduct or gross misconduct, I have consulted and considered Home Office guidance for Conduct Efficiency and Effectiveness 2020 as well as the College of Policing (COP) Guidance on Outcomes in Police Conduct Proceedings 2023.

Regulation 2 of the Police Conduct Regulations defines gross misconduct as a breach of the

Standards of Professional Behaviour that is so serious as to justify dismissal.

Honesty and Integrity is fundamental to policing, and the trust and confidence of policing is impacted by the breaches of the standards.

I stress that in making this decision I reach no decision as to outcome.

Considering the conduct and the definition of Gross Misconduct in the Home Office Guidance I do consider this as Gross Misconduct.

Decision as to Outcome

Seriousness

I do find the conduct proven to be serious. I have assessed that it is Gross Misconduct in that the nature and circumstances of it are such that dismissal would be justified.

Culpability

DS Riley is fully culpable for his actions; they were deliberate and he concealed the phone. He had to dial into the call each time to use it as he did. Through his actions DS Riley misused information and set out to do this when deciding to take the actions he did.

As a Detective Sergeant, DS Riley would know that this sort of behaviour is criminal in nature but did it anyway.

Harm

There is undoubted harm through DS Riley's action the impact statement from Person A is clear how this has affected them, and Person B has described how this has made them feel when their private conversations could have been heard.

DS Riley has been found to have breached the standard of discreditable conduct, and the public would expect that he was investigating crime and not using his duty time to be listening to people in a private office. This undermines public trust and confidence in himself from the force and the public.

Aggravating factors

I am careful not to double count anything that has already been considered.

An aggravating factor is the frequency and regularity of the calls that DS Riley made to listen into Person A's private office.

DS Riley is also a Detective Sergeant so is in a supervisory position so is in a position of trust and responsibility within the force.

Mitigating factors

There have been no admissions from DS Riley or engagement from him in this process.

Nothing has been put forward on his behalf from his Federation Representative.

Personal Mitigation

Nothing has been put forward by DS Riley or on his behalf from his Federation Representative.

Purpose of Police Conduct Procedures

The college of policing guidance clearly sets out the purpose of police misconduct proceedings. These are threefold and can be summarised as:

- Protecting the public.
- Maintaining public confidence in and representation of the police service.
- Upholding the highest standards in policing.

It is essential that through any outcome I prevent harm to the public, officers, and staff and to the trust and confidence in policing. I must protect the public from any further risk that might be caused if DS Riley is allowed to continue to be part of the police service.

The proven allegations against DS Riley need to be dealt with seriously to demonstrate to the public and other officers that this conduct is intolerable and will not be allowed.

The public are entitled to know that they can trust officers to abide by the standards of professional behaviour required and that where officers do not, they will be held to account. The public must be able to trust officers on and off duty.

Outcome

In considering the purpose of Police Conduct procedures and the information I have read and heard in this case I have looked at the outcomes available to me. I have started at the lowest outcome first.

I have considered taking no action against DS Riley but this in my view would not meet the objectives of Police Conduct Procedures.

A reduction in rank is available to me in this case but this again in my view would not meet the objectives. DS Riley is a supervisor but the behaviour displayed is about breaching the standards of a police officer so this would not protect the public or public trust and confidence in policing. This would not be a suitable deterrent to other supervisors.

I have considered a Final Written Warning but this would not meet the objectives or build confidence in policing. This would not protect the public, officers and staff from further behaviour from DS Riley.

Finally, I have considered dismissal without notice. When Gross Misconduct is committed it needs to be dealt with seriously. This protects public and other colleagues from other behaviour from DS Riley.

In considering all of the circumstances and facts I find that the only outcome that is appropriate is dismissal without notice.

College Barred List & publicity

DS Nick Riley's name and the findings of the hearing should be made public internally and externally in the interests of public trust and confidence and to reenforce the standards expected by the public, policing and Essex Police.

DS Riley will be added to the College of Policing barred list.

The reporting restrictions and anonymity imposed at the beginning of the hearing still apply.

BJ Harrington QPM
Chief Constable of Essex Police
22nd December 2025