

**IN THE MATTER OF THE POLICE CONDUCT REGULATIONS 2020
AND IN THE MATTER OF AN ACCELERATED MISCONDUCT HEARING**

RE: [REDACTED]

**DETERMINATION OF
CHIEF CONSTABLE IVAN BALHATCHET**

1. This is my determination in the accelerated misconduct proceedings relating to [REDACTED] ('the former officer').

Representation

2. The Appropriate Authority was represented by Lorena Veale. The former officer was represented by his Federation Representative Ken Brown. The former officer was not in attendance at the hearing.

Allegations

3. The allegation is set out in the Regulation 51 notice which has been emailed separately to the hearing bundle. In summary, it is alleged that the Former Officer has breached the standards for discreditable conduct by communicating via text enquiring into the availability of sexual services from someone exploiting women. This is alleged to have occurred on multiple occasions, on the 28th June 2024 and the 16th May 2025.

Burden and standard of proof

4. The burden of proof is on the Appropriate Authority to prove that the former officer behaved in the manner alleged and that in doing so, he breached the standards of professional behaviour. The standard of proof is on the balance of probabilities. The Appropriate Authority must further satisfy me that the manner of the breach is of such a nature or degree that it amounts to gross misconduct.

Determination of conduct

5. In making my determination in relation to the alleged misconduct, I have assessed all relevant information made available to me in the hearing bundle.
6. I have considered the representations made on behalf of the Appropriate Authority and the former officer as well as the Former Officer's Regulation 54 response received on the morning of the hearing.
7. I have also utilised the relevant sections of the College of Policing Document '*Guidance on Outcomes in Police Misconduct Proceedings*' in formulating the rationale for my determination.
8. Before making my determination, I reminded myself of the definition of Misconduct and Gross Misconduct as prescribed by Regulation 2 and schedule 1 as this a Former Officer, where Misconduct means "*a breach of the Standards of Professional Behaviour that is not so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable*" and Gross Misconduct means "*a breach of the Standards of Professional Behaviour that is so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable*"

Allegation

9. The former officers telephone number ended [REDACTED] and was provided to police during the vetting process[152]. The officer has accepted this number was his. This telephone number was involved in communication with other telephone numbers that were linked to sex workers.

10. Firstly, the former officer's telephone was in communication with a number ending 0459 and 9623 on the 28th June 2024. The 0459 number was linked to a sex worker from the website xlamma.com [39]. The former officer requested a full postcode from the 0459 number before receiving a marketing list of prices for sexual services and a postcode. The conversation then moved to WhatsApp where after blank messages were sent (which appears to suggest photographs) to the officer and a reply from the officer saying thank you for the information and he wont be available until august but he really hoped to see them then [18]. In his response, the officers accepts sending these messages. I am therefore satisfied to the required standard that the officer sent these messages.

11. Secondly, the former officers telephone was in communication with a number ending 9703 on the 16th May 2025. This number was also associated with a sex worker following unrelated matters being reported to the police [58]. These were calls and SMS messages, but the content is unknown.

12. The officer states in his response that no face to face meeting took place, nor was a date and time agreed [71]. There is no evidence provided to the contrary and therefore I accept this. However, it is clear that the former officer made enquiries about the availability of sex workers by asking for a postcode, and suggesting he would be interested at a later date.

13. I am also satisfied that the officer completed a number of training modules. Whilst I cannot see that the officer completed specific modules about sex work, he did undertake modules in relation to ethics [163], modern slavery [166] and organised crime awareness [162] which must have at least alerted the officer to the high risk of exploitation for sex workers.

14. In conclusion, I am therefore satisfied that the officer behaved as alleged in the Regulation 51 notice and the allegations are proven on the balance of probabilities. I am satisfied that the conduct breaches the standard of professional behaviour, namely discreditable conduct.

15. I must now consider whether those facts amount to misconduct or gross misconduct. First, I will consider the severity by way of culpability and harm. I will then consider whether the conduct amounts to misconduct or gross misconduct.

Severity

1. I have considered Section 4 of the Home Office guidance on Outcomes. I make clear that I am using this guidance to assist in my determination of the level of misconduct and not on any potential sanction. I have first considered the level of culpability. I note in the guidance at 4.10 that Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences. Sex workers are specifically described as particularly vulnerable at paragraph 4.52.

2. I have considered the NPCC National Sex work Police Guidance. It states *“The use of sex workers is now incompatible with the role of a police officer”* [92]. It further states that *“When police officers or staff make use*

of services offered by sex workers there is an obvious significant risk that this is highly likely to undermine public trust. For that reason, police officers and staff should not procure or attempt to procure physically provided commercial sexual services or other services. To do so would compromise their professional position.”. The document also raises the risk of committing an offence under s53A of the Sexual offences Act – a strict liability offence of paying, or offering to pay for the sexual services of a sex worker who has been exploited.

3. In my view the culpability for this matter was high. The officer has deliberately enquired into the availability of sex work, placing himself at risk of committing a criminal offence had he taken further steps to arrange a meeting. He communicated with two separate numbers on two separate days. This conduct relates to obviously vulnerable individuals, which the officer must have been aware of due to the training he received as well as his own knowledge of the world.
4. Turning then to harm, this case can be separated in two ways. Firstly is the harm or risk of harm caused from the actions themselves. Secondly there is the wider risk of harm. I have considered them separately before coming to an overall harm assessment.
5. Incident harm – There was no direct harm caused by this incident. However at paragraph 4.68 *“Where no actual harm has resulted, consider the risks attached to the officer’s behaviour, including the likelihood of harm occurring and the gravity of harm that could have resulted.”* The officers behaviour risked supporting the commercial exploitation of vulnerable individuals. He did not know who he was engaging with, or what their situation was. By making enquiries, he provides the custom which supports the practices taking place, whether or not he ended up paying for it.

6. Turning then to the wider harm, 4.66 of the guidance states “*Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account*”. It is clear that the public trust and confidence in the profession would be significantly undermined if they knew of the former officer’s behaviour. The reputational harm would be extremely high. As recognised in the guidance, the use of sex work is incompatible with the role of a police officer. In my view, making enquiries would also cause reputational harm, regardless of whether the physical acts were carried out.
7. In my view this case demonstrates a high level of harm. This comes from the risks involved in the conduct itself but also the impact on public confidence in policing.
8. I have given specific consideration as to whether the misconduct is at the level of gross misconduct or at the level of simple misconduct. Having assessed the seriousness of the actions, I am satisfied that the misconduct meets the definition of Gross Misconduct as set out earlier. Both the culpability and harm in this case are high, and therefore the seriousness is high, and therefore it is so serious that the officer would have been dismissed.

Conclusion

9. In conclusion, my findings are that these allegations are proven on the balance of probabilities and that the proven misconduct breaches the Standards of Professional Behaviour alleged, namely discreditable conduct that such proven breaches constitute gross misconduct.

Determination of Outcome

10. Having determined that these allegations amounted to gross misconduct, I have considered the appropriate outcome.
11. Submissions were made by the Appropriate Authority that the appropriate Outcome in this case should be dismissal.
12. Any action I take today must balance the officer's rights proportionately with the requirement to maintain public confidence in, and the reputation of, the Police Service, and to uphold high standards in policing and to deter misconduct. My role is not punitive and the purpose is not to punish the Former Officer
13. It having been found at Stage One of proceedings that the conduct constitutes Gross Misconduct, Part 3 of The Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 applies to this case, such that where a finding of Gross Misconduct is made, the person conducting the proceedings must dismiss the officer without notice unless they are satisfied that there are exceptional circumstances which justify a lesser sanction.
14. I have considered the seriousness of the misconduct that has given rise to the Former Officer's case being before me today, in accordance with the College of Policing's Guidance on Outcomes, and I set out my conclusions and the reasons for them below. In doing so I have followed the procedure set out in the case of Fulger and contained within the guidance.

Culpability

15. For the reasons previously set out, I accordingly find that the level of culpability was high.

Harm

16. For the reasons previously set out, I accordingly find that the level of harm was high.

Aggravating Factors

17. I have carefully considered the aggravating factors. In my view, the following aggravating features are present:

- a. Malign intent
- b. Repeated behaviour
- c. Continued after the officer should have known that it was improper

18. However, in reality those factors have already been accounted for when assessing culpability and harm. Therefore I do not consider them aggravating features as that would be double counting.

Mitigating Factors

19. In terms of mitigating factors, I accept the following:

- a. That the former officer has accepted responsibility for the conduct and shown remorse for it.
- b. At the time of the conduct in question, he had a difficult situation at home.

Personal Mitigation

20. Personal mitigation should always be taken into account. I do note the officer has a previously unblemished record.

21. I have also considered the authority of Salter, in particular the following passage:

‘As to personal mitigation, just as an unexpectedly errant solicitor can usually refer to an unblemished past and the esteem of his colleagues, so will a police officer often be able so to do. However, because of the importance of public confidence, the potential of such mitigation is necessarily limited.’

Determination

22. I find that the appropriate outcome in this case would have been dismissal if the officer was still serving. This was serious misconduct which would have clear impact on the public trust and confidence in the police.

23. No argument for exceptional circumstances has been advanced. Even if it had been, I cannot identify any on the papers before me or the submissions advanced. I therefore cannot find any reason to step back from the finding that the officer would have been dismissed were they still serving.

24. Had there been exceptional circumstances or had the former officer still been serving, I would not have viewed the appropriate outcome to be either a written warning or a reduction in rank. Both outcomes fail to sufficiently address the seriousness of the misconduct. In any event, [REDACTED]
[REDACTED] reduction in rank is not appropriate.

25. As a result of this decision, the officer should be placed on the Police Barring List.

26. I am aware of the officer’s right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The officer should provide notice of his intention to appeal to the Appropriate Authority within 10 working days of receipt of this written determination.

