

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

RE: Former PC 0967 ANTHONY LEE

**DETERMINATION OF
CHIEF CONSTABLE IVAN BALHATCHET**

1. This is my determination in the accelerated misconduct proceedings relating to Former PC 0967 ANTHONY LEE.
2. The accelerated misconduct proceedings took place on the 12th of October 2026 and were in public. No members of the public or media were in attendance.

Representation

3. The Appropriate Authority was represented by Lorena Veale. The officer was represented by PS Alan McMahon in his capacity as Federation Representative, and the Former Officer did not attend the hearing.

Allegations

4. The allegation is set out in the Regulation 51 notice.
5. In summary, at all material times, the Former Officer was employed by Northamptonshire Police as a police constable, having commenced employment on 12/02/2018.

6. At approximately 02:00hrs on 27th December 2022 you were deployed to a reported burglary at Tesco Express, Wellingborough Road, Northampton.
7. Witness AD, who worked at the above-named store as a customer assistant and was a key holder, attended the premises in order to assist you and another attending officer with your enquiries.
8. On the occurrence log for the incident, you recorded that AD was a staff member at Tesco and documented her home address and mobile number.
9. At 07:17hrs on 27th December 2022, you commenced communications with AD via text message on your work mobile phone (number ending 263) to check on her wellbeing and make further enquiries about evidence connected to the investigation into the burglary.
10. At 22:09hrs on 27th December 2022, the following exchange took place between you and AD on your work mobile phone:
AD: I've got a much clearer image of his face now. It's at 05:51:40 camera 12.
He's looking through the entrance doors
PC AL: I think my colleague may have captured one. Can you message it to me
AD: Will WhatsApp work?
PC AL: If you just send it my other phone. xxx700
11. At 22:33hrs on 27th December 2022 WhatsApp communications between you and AD commenced on your personal mobile phone. This was inappropriate as you had met AD in the course of your duties, and the evidence you were requesting could have been provided to you via your work mobile phone and/or your professional email address.
12. At 12:30hrs on 28th December 2022 you sent AD a WhatsApp message from your personal mobile phone informing her that the suspect in the burglary had been arrested.
13. Thereafter, you engaged in unnecessary and/or inappropriate communications unrelated to the investigation and/or of a personal nature, for example:

AD: can't beat a good cocktail

PCAL: what's your favourite

PCAL: I don't think he's a mojito type of guy tbh!

AD: It's got to be sex on the beach

AD: Definitely not. I think he gets his highs in a different form

PCAL: Interesting

14. On or around 29/12/2022 the communications between you and AD

progressed to being flirtatious and/or sexual in nature, for example:

PCAL: you make the uniform look better than most

AD: yours is definitely better than mine. Although it sounds like yours need a good wash

PCAL: Dunno you look pretty hot in yours

PCAL: I could definitely do with a hose down tho I can't lie

PCAL: might be fun to see you out of the shorts rather than in them

PCAL: I want to see the rest of you...

AD: that has to be earned

PCAL: And how do I do that X

AD: You seem like a clever man.... Figure it out

PCAL: ?

PCAL: I'm really not that clever !

PCAL: so show me yours I'll show you mine?X

PCAL: I've got a long night ahead of me, maybe you can send me some pics when you get some privacy. I can return the favour

AD: You'll be at work... wrestling people in their own sick or some other crazy stuff

PCAL: Doesn't mean I haven't taken pics now

AD: Ooo jumping the gun

PCAL: Well I'm naked

15. You were aware that it was inappropriate to be sending messages of a personal and/or sexual nature to a member of the public who you had met through the course of your duties as evidenced within your messages to AD for example:

AD: the riskier the better xx

AD: I'm joking I don't want you to lose your job xx

PCAL: Haha thanks x

PCAL: They already frown on us talking to members of the public, but you're not really a witness or victim of anything and the case is closed

AD: Will you get into trouble talking to me?

PCAL: Dunno, hard to say. I really don't think I'm doing anything wrong but they just love to crucify us regardless

16. On or around 7th January 2023, you met with AD and your relationship with her became intimate.

17. Thereafter, you commenced an intimate and/or sexual relationship with AD which endured sporadically between January 2023 and December 2024.

18. It is alleged that such conduct breaches the standards of professional behaviour in relation to Honesty and Integrity and Discreditable Conduct.

Burden and standard of proof

19. 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

20. In making my determination in relation to the alleged misconduct, I have assessed all relevant information made available to me in the hearing bundle and the Former Officer Regulation 54 Response.

21. I have considered the representations made on behalf of the Appropriate Authority and gave the opportunity for the Former Officer representation to make representations in which nothing was added.
22. 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.
23. Before making my determination, I reminded myself of the definition of Misconduct and Gross Misconduct as prescribed by Regulation 2, where Misconduct means “*a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action*” and Gross Misconduct means “*a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal*”
24. Given the evidence provided, I find the facts set out within the Regulation 51 notice proven on the balance of probabilities and that they breach the standard of professional behaviour in respect of both Honesty and Integrity and Discreditable Conduct
25. 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

26. 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.”

27. In my view, the culpability for this matter was very high. The Former officer, through his position, pursued and engaged in a sexual relationship with a member of the public whom he came into contact with throughout his duties and who was a witness in a criminal investigation. The relationship was maintained over a course of a two-year period despite knowing that it was inappropriate. 4.44 of the guidance states, *‘The nature of the office of constable means that all police officers are in a position of trust and authority in relation to members of the public. An officer’s misconduct will be more culpable where it involves an abuse of this position. The abuse of position for a sexual purpose (APSP) is a form of serious corruption defined as any behaviour by a police officer, whether on-duty or off-duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public. Such conduct can cause substantial damage to public trust and confidence in the police and is particularly serious where the subject of the officer’s behaviour is a vulnerable person.’*
28. Turning then to harm, this case can be separated in two ways. Firstly, there is the harm or risk of harm caused by the actions themselves. Secondly, there is the wider risk of harm. I have considered them separately before coming to an overall harm assessment.
29. In relation to Harm to the person affected, AD, the former officer’s actions have clearly damaged her trust and confidence in the police
30. Turning then to the wider harm, 4.66 of the guidance on outcomes 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.” I also note the following in the NPCC Guidance on maintaining professional boundaries: at paragraph 5, it states, “The professional relationship between a member of the police service and the public depends on trust and confidence. Police personnel who display sexualised behaviour towards a

member of the public who they have come into contact with through work, undermine the profession, breach trust, exploit a power imbalance, act unprofessionally and potentially commit a criminal act. Such behaviours also have the potential to reflect negatively on police colleagues and have an impact on the professional relationships they have with the communities they serve.”

31. In my view, this case demonstrates a very high level of harm. This comes from harm to the person affected, but also the impact on public confidence in policing.

32. 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 “*a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal*”. Both the culpability and harm in this case are high; therefore, the seriousness is high, and it is so serious as to justify dismissal.

Conclusion

33. 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 Honesty and Integrity and Discreditable conduct, which constitutes gross misconduct.

34. I will now hear representations on the appropriate outcome in this case.

Determination of Outcome

1. Having determined that these allegations amounted to gross misconduct, I invited representations from the Appropriate Authority on the appropriate outcome in

this matter. Then I subsequently heard from PS Alan McMahon on behalf of the Former Officer.

2. Submissions were made by the Appropriate Authority that the appropriate Outcome in this case should be dismissal.
3. Submissions were made by PS Alan McMahon on behalf of the Former Officer
4. 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
5. It having been found at Stage One of proceedings that the conduct constitutes Gross Misconduct, as per the Guidance on Outcomes at 3.32 *"Similarly, at an accelerated misconduct hearing, if the special conditions apply, disciplinary action can only be to find that the former officer would have been dismissed if still serving."*
6. I considered these potential outcomes in order from the lowest sanction through to dismissal, and I have assessed them as to how they may meet the need to fulfil the purpose of the misconduct proceedings, and the purpose of imposing sanctions.
7. 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

8. I have considered the officer's culpability in this case and make the following observations:
- (a) The Former Officer pursued and engaged in a sexual relationship with a member of the public whom he came into contact with throughout his duties and who was a witness in a criminal investigation; this was an abuse of the officer's position for a sexual purpose.
 - (b) The former officer's conduct was deliberate; he knew from the start of the communication that it was inappropriate.
 - (c) Despite knowing that the conduct was improper continued and maintained the relationship over the course of 2 years.
9. Accordingly, I find that the level of culpability was high.

Harm

10. I have considered the harm caused by the Officer's actions in this case and make the following observations:
- (a) The harm to AD would be high for the reasons already set out.
 - (b) The reputational harm to the police would be high. In coming to the decision, I note that in the Guidance at paragraph 4.44 "*the abuse of position for a sexual purpose (APSP) is a form of serious corruption defined as any behaviour by a police officer, whether on-duty or off-duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public. Such conduct can cause substantial damage to public trust and confidence in the police and is particularly serious where the subject of the officer's behaviour is a vulnerable person.*"
11. As set out previously, in my view the harm was high in this case.

Aggravating Factors

12. I have carefully considered the aggravating factors. In my view, the following aggravating features are present:
 - a) Taking deliberate steps;
 - b) Malign intent (specifically sexual gratification);
 - c) Abuse of position;
 - d) Sustained behaviour over a period of time;
 - e) Continuing the behaviour after the Former Officer realised, or should have realised, that it was improper;
 - f) Significant deviation from national guidance.
13. However, 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

14. In terms of mitigating factors, I have not identified any mitigating factors.

Personal Mitigation

15. Personal mitigation should always be considered. I do note the officer has a previously unblemished record.
16. 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

17. I find that the appropriate outcome in this case would have been dismissal if the officer was still serving.
18. Had the officer still been serving, I would not have viewed the appropriate outcome to be a written warning as it fails to sufficiently address the seriousness of the misconduct. Behaviour such as this has no place in Northamptonshire Police and will not be tolerated.
19. As a result of this decision, the officer should be placed on the Police Barring List.
20. 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.