

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020
CONCERNING

POLICE CONSTABLE 2563 STUART AYLING

PANEL DECISION ON FACTS AND OUTCOME

Preliminary Matters

1. On 10th and 11th August 2026, a gross misconduct hearing was held at Cumbria Police Headquarters.
2. This full written decision follows an outline of the panel conclusion and reasons delivered orally on 11th August 2026.
3. The hearing was convened to hear allegations relating to Police Constable 2563 Stuart Ayling, who attended the hearing.
4. The Appropriate Authority (AA) was represented by Counsel Barney Branston.
5. PC Ayling ('the Officer') was represented by Counsel Steven Reed.
6. The panel comprised of ACO Sarah Jackson and Independent Panel members, Jan Lamping and Alastair Cannon.
7. The panel was provided with an electronic bundle of evidence amounting to 295 pages and two items of body worn camera (BWC) footage. The AA provided a 7-page written opening note ahead of the hearing. The panel were also provided with character evidence and the Officer's record of service.
8. The appointed Legally Qualified Person was Stephen Gowland. Legal advice was provided to all parties in advance of, and during, the hearing.

The Alleged Facts

9. The alleged facts surrounding the case, as stated in the Officer's regulation notice, are as follows:
10. *'On 3 January 2024 you responded to a complaint made by Miss X that her former boyfriend had been repeatedly harassing her at work.'*

11. *At approximately 17.00 you attended her parents' address where you took an account from Miss X.*
12. *Miss X disclosed that there had been three recent episodes of harassment, two of which had been him visiting her at her place of work and one when he had attended her home address.*
13. *She also disclosed that she had been punched by him on two previous occasions and had been given a black eye, her mother confirming that she had seen the bruising on one occasion.*
14. *Whilst she did not know her ex-boyfriend's address, Miss X gave you his mobile number and stated that her ex-boyfriend was in receipt of PIP and so would have an address that could be found.*
15. *Miss X stated that she did not want to go to court and you purported to dispose of her complaint by proposing to warn the ex-boyfriend not to contact her again; you telephoned him to deliver that warning later that evening'.*

The Allegations

16. The AA particularised the allegations and three breaches of the standards of professional behaviours as follows:

Duties and responsibilities

17. *a. You were not diligent in the exercise of your duties and responsibilities in how you dealt with Miss X's complaint on 3 January 2024 in that you:*
 - i. Agreed to dispose of the matter by issuing the ex-boyfriend with a warning as an alternative to 'formal action' when:*
 1. *You knew or ought to have known that making such an intervention would be likely to increase the risk of harm to the victim; and / or*
 2. *You knew or ought to have known that such a disposal had ceased to be an appropriate response to allegations of stalking and harassment in Cumbria Police since 10 June 2022 in part because of "the risk they pose to the victim"; and/ or*
 3. *In any event you failed to seek authorisation for such a disposal from an Inspector.*

- ii. *Failed to give any or any adequate consideration to a more appropriate disposal for her complaint of stalking and harassment, such as by making any attempt to locate the ex-boyfriend and to arrest him as a precursor to seeking either his remand or bail with conditions not to contact Miss X, or by seeking to pursue a Domestic Violence Protection Notice or a Stalking Protection Order.*
- iii. *Failed to explain to Miss X the availability of any such disposal as a means of addressing her allegations of harassment and stalking.*
- iv. *Failed to give any or any adequate explanation to Miss X of what 'formal action' might entail beyond his arrest and prosecution.*
- v. *Beyond suggesting that Miss X should call 999 'if he turned up' and asking the local community beat Officer to pay 'casual attention' to the property on his patrols, you failed to offer Miss X any safeguarding advice such as:*
 - 1. *offering her a TECSOS alarm; and/ or*
 - 2. *informing her neighbours or her colleagues at her place of work to raise the alarm if the ex-boyfriend reappeared; and / or*
 - 3. *putting a safe alert on the property; and/ or*
 - 4. *advising her not to go out alone.*
- vi. *Failed to take any steps to take a statement from Miss X's mother when she disclosed that she had seen Miss X's bruising after an earlier alleged assault.*
- vii. *Failed accurately to complete the minimum standards checklist by recording:*
 - 1. *Scene(s) (ISP) - N/A when you Miss X's place of work to have been the scene of two recent episodes of alleged harassment*
 - 2. *Witness (ISP) - None when you knew Miss X's place of work to have been the scene of two recent episodes of harassment yet made no enquiries regarding whether there were any witnesses*
 - 3. *Family Witness/ Enqs - accounts None when Miss X's mother had disclosed to you that she had seen bruising after an alleged assault on Miss A in August*
 - 4. *Visual - BWV, CCTV, dash cam etc. - None when you knew Miss X's place of work to have been the scene of two recent episodes of harassment, yet you*

made no enquiries regarding whether there was any such evidence captured.

Discreditable Conduct

18. *b. In failing to deal appropriately with Miss X's complaint, your conduct was such as would discredit the police service and damage public confidence in it.*

Honesty and Integrity

19. *c. Furthermore, you were dishonest and / or acted without integrity in that you made such entries on the minimum standards checklist when you knew the same to be false'.*

The law in respect of factual determinations

20. The panel have borne in mind that throughout these proceedings, the burden of proof is on the AA. The standard that the AA must meet to successfully discharge that burden is that which applies to civil proceedings, namely the balance of probabilities.
21. The panel have applied the burden and standard of proof throughout. The panel recognise that when allegations made against an Officer are serious, such as they are here, the evidence upon which findings are made must be cogent.
22. Findings of fact must be based on evidence and not on speculation. The decision on whether the facts in issue have been proved to the requisite standard must be based on all the available pieces of evidence in the context of all the other evidence.
23. Regulation 41(16) of the Police (Conduct) Regulations 2020 provides that a finding of misconduct or gross misconduct must not be made unless the panel is satisfied on the balance of probabilities that this is the case, or the Officer concerned admits it.

The Panel

24. The task of the panel on disputed matters of fact is not, as such, to determine the truth. It is to identify what needs to be proved, by whom, in this case the AA, upon the basis of a correct identification and analysis of the legal rules governing the case. It must then form a judgment (doing so rationally, reasonably and impartially), for each such proposition of fact,

as to whether the evidence presented at the hearing made what the party bearing the burden of proof says occurred appear – more probably than not – to be what occurred.

25. The panel, throughout proceedings, remained alert to the purpose of the misconduct regime which is:

- to maintain public confidence and the reputation of the police service
- to uphold high standards in policing and deter misconduct
- to protect the public.

The Case for the Appropriate Authority

26. It is alleged that when the Officer attended at Miss X's address on 3rd January 2024 to take her account he failed to deal appropriately with her report of harassment by a former partner. In summary the AA maintained that there were several steps that he ought to have taken and that he failed to take. One of the steps that he did take, namely, to warn the ex-partner over the telephone, was not a suitable disposal.
27. Miss X was seriously assaulted the following day by her former partner (N.B. it was not alleged that The Officer was responsible for the assault).
28. The Officer materially failed to address the extent of Miss X's complaint, too readily accepting her apparent decision to pursue 'something else,' rather than 'formal action'.
29. The Officer's BWC recording of his meeting with Miss X, gives a true sense of the interaction; in broad terms the AA maintained that the Officer should have done far more than he did.
30. Miss X is plainly heard to give the Officer several pertinent details that he simply failed to record in the minimum standards checklist. This was not only a glaring omission of such detail but also minimised the seriousness and importance of Miss X's account.
31. Each of the alleged breaches was an example of what he failed to do or of what he ought to have done had he been acting diligently.
32. This could have been due simply to a lack of diligence (and so was discreditable) or that it was because of a lack of integrity or perhaps the Officer could not be bothered.
33. The AA's case was that the Officer was dishonest when he deliberately and knowingly made false entries on the minimum standards checklist attached to a crime report.

PC Stuart Ayling's case

34. The Officer denied the allegations and any breach of the standards of professional behaviour.
35. Misconduct, but more specifically, gross misconduct was denied.
36. In his regulation 31 notice the Officer acknowledged that it was an error not to inform Miss X of the availability of a DVPO¹ or SPO² but denied that this amounted to a breach meriting a disciplinary sanction.
37. The Officer recorded all his action taken on the crime report, DASH³ risk assessment, incident log and safeguarding form.
38. The Officer recorded his interaction with Miss X on BWC footage.
39. The Officer stated that, whilst he was experienced in dealing with domestic abuse cases and had received 'input' about domestic abuse by way of training at times during his service, he had not received the latest Cumbria Constabulary training in how to deal with domestic abuse matters.
40. The Officer did tell Miss X there was an alternative option of taking "formal action" but that she chose to have the suspect warned instead.
41. The Officer's honestly held belief was that a verbal warning over the phone was a good idea, and it would have been sufficient to stop further offences.
42. In doing what he did, the Officer was not trying to "avoid additional work" as choosing alternative tactics would not have meant he had to do more. He genuinely believed that the warning would "nip it in the bud" and stop the offending from the suspect.
43. The Officer spoke to a specialist domestic abuse trained supervisor to inform them of what had happened and asked them to undertake a formal review of the crime with a view to filing it as 'no further action'.

¹ DVPN; Domestic Violence Protection Notice. An emergency non-molestation notice.

² SPO; Stalking Protection Order. A civil order to protect victims from stalkers.

³ DASH; Domestic Abuse, Stalking and Honour Based Violence risk assessment. A tool used by the police and partner agencies to identify, evaluate and manage risk posed to victims.

Agreed Facts

44. The Officer did attend the incident reported by Miss X, and was the only Officer involved in managing the matter.
45. When the Officer dealt with Miss X, she told the Officer from the outset that she wanted her former partner (the suspect) warned to stop contacting her and coming into her workplace to abuse her.
46. The Officer rang the suspect and warned him over the phone to cease all contact with Miss X. the Officer told the suspect that further contact could result in his arrest.
47. The phone call to the suspect lasted for a duration of three minutes.
48. Verbal warnings had ceased to be an approved police tactic in Cumbria Constabulary in June 2022.
49. There were several alternative tactical options available such as arrest, the service of a DVPN and / or an SPO.
50. The Officer updated Miss X by phone call and email following the warning.

Disputed facts

51. The alleged facts outlined in the Officer's Regulation 30 notice, detailed at 'a to f' inclusive. were agreed by all parties, save for a minor dispute at point 'e'.
52. Part of this sentence at 'e' alleges that Miss X said her ex-boyfriend was in receipt of PIP, *and so would have an address that could be found*. The Officer did not fully accept this.
53. The panel disregarded this part of the sentence within point 'e' (this did not materially affect its findings).
54. The Officer thought he had done the right thing by carrying out the wishes of the victim and delivering a warning to the suspect as requested; that this would be a "circuit breaker" to shock the suspect into stopping, and therefore that this would be sufficient. The warning was effectively "step one" in an escalating list of possible options.
55. The Officer did not consider other crime safety options as he genuinely believed they would not be needed after the warning.
56. The Officer did not know that warnings of this type were no longer a permissible tactic. No one had ever told him this. He had used verbal warnings on previous occasions and had never been challenged about it.

57. He did not want to force Miss X to give a statement or take formal action; he was following her lead. He assumed Miss X understood what 'giving a statement' and / or 'formal action' would have entailed.
58. The Officer could not have visited / arrested the suspect as he did not at that point in time have a current address for him and there was no way to make enquiries (e.g., using the information that the suspect was in receipt of PIP) the same day.
59. The Officer was never dishonest in the way that he had updated all the necessary forms following the incident. He inputted similar factual material on at least three different forms, all of which were destined for three different supervisors, which, together with the fact that he had recorded and saved the BWC footage of his interaction with Miss X, was evidence that he was not trying to conceal his actions.
60. The Officer did not take a statement from Miss X's mother as this would have been "going over the head of Miss X", as she did not want to pursue formal action.

Witness Evidence

DC B

61. The Investigating Officer in the case, DC B, was called to give evidence about the obtaining of an additional statement from Miss X by him and another Officer in November 2024. The panel found the Officer to be truthful and credible in the evidence he gave.
62. The Officer accepted that his interview of Miss X could have been approached differently, and it would have been better to have refrained from giving Miss X his opinion about the approach taken by the Officer, before seeking hers, but that aside the account of Miss X was obtained as carefully as possible, without seeking to taint her evidence.

Miss X

63. Miss X attended and gave evidence at the hearing.
64. The panel found Miss X to be a credible witness.
65. Miss X confirmed that the interaction with the Officer was the first time she had ever encountered the police in her life.
66. Miss X said that she had called the police after the series of incidents involving her former partner, her expectation being that the police would keep her safe.

The Officer

- 67. The Officer gave evidence at the hearing.
- 68. The Officer was consistent in the evidence he gave in that he thought giving the warning was the right thing to do at the time, and that he was just following Miss X's wishes.
- 69. His evidence given in chief was fully in line with that contained in his earlier regulation 18 & 31 responses, and his prepared statement.
- 70. In cross examination, the Officer accepted that he did not explain what "formal action" entailed, nor did he explain the other options available to Miss X.
- 71. The Officer accepted that there were several tactical options available, including a power of arrest, but he did not think they were necessary as he expected his plan to give the verbal warning would work.
- 72. When asked about the DVPN notice, and PIP enquiries the Officer said he had discounted these as 'the warning' would only work if given in the very near future. The warning needed to be given in that moment. Filling out paperwork to get information '*in a weeks' time*' would not have been an efficient or effective way to deal with the matter.
- 73. The Officer denied dishonesty saying he wrote down and recorded all the details on the day and pointed out that his updates were accessible to anyone who wanted to check – he did not conceal anything.

Panel analysis of the evidence

- 74. The panel read and carefully considered every item contained within the bundle of evidential material.
- 75. The panel watched the BWC footage (the 'footage') of the Officer's interaction with Miss X both prior to, and during the hearing. The panel found the footage to be an integral piece of evidence in this case.
- 76. The panel worked through the entirety of the footage and made a series of observations.
- 77. The footage shows that, despite the wealth of information proffered to the Officer, the numerous crimes that were disclosed, and the requirement to undertake a lengthy DASH risk assessment, the Officer spent just twenty-two minutes speaking to the victim about the crimes. The panel were mindful that the Officer will have obviously spoken to Miss X before and afterwards, but the footage clearly contains the main conversation about the report.

78. The footage shows the Officer only made two pages of notes in his small police issue pocket notebook.
79. One minute and seventeen minutes into the footage the Officer asks Miss X, "so what is it you want done?". This is before he has fully ascertained the full details of what had happened.
80. The footage shows that there is a lack of professional curiosity from the Officer on several occasions whilst Miss X is making her report.
81. An example of this is when Miss X proactively volunteers relevant information about the criminal matters, but the Officer failed to explore the topic further. For example, the victim can be clearly heard to volunteer (BWC at 11.34) that the suspect had gone into the shop where she works and gone flying into the kitchen where she was and shouted, "who are you shagging here?". However, the Officer does not respond at all to Miss X, he takes no notes and asks no clarifying questions. Had he done so he would have ascertained opportunities for witnesses and CCTV evidence.
82. A further example is when Miss X's mother speaks to the Officer and volunteers information relevant to the stalking on two occasions (BWC 04:01 and 06:13 minutes). Her mother tells the Officer that she came home and found the suspect in the grounds of their address and the suspect said "*Take a look at me. Get a good look at me*". Miss X's mother said she didn't like his attitude and that "*it was quite frightening actually*". Miss X said that this led her mother had to come and collect her from work that day because she was due to be walking home. On the two occasions that Miss X's mother addresses the Officer, he doesn't reply, stating just "OK" the second time. He offered no empathy, nor did he seek to clarify any further information about the scenario. Given that he had just heard about a stalking suspect being found in the yard of someone's house, the unpleasant and threatening remarks made, and the frightening effect it had had, the Officer's lack of response was of concern to the panel.
83. Not long into the conversation, the Officer can be heard to be enquiring about details such as dates, places etc, (BWC 07:30). In response Miss X is obviously stuttering and struggling to recount it. You can hear the victim apologising and there is a nervous type laughter from Miss X who says her "head is just battered with it all."
84. The Officer says nothing at all, he gives no reassurance to Miss X, nor does he try to encourage her to ascertain the relevant information.

85. By 8.30 minutes into the footage the Officer knew the scale of the threat and risk as reported by Miss X, albeit only in high level detail.
86. The level of threat was abundantly clear, Miss X was not safe, and it was plain that the risk was increasing:
- a. The suspect was capable of violence.
 - b. The suspect had been seen in the private garden of the victim's home at the end of November.
 - c. There was another event on 15th December where the suspect came into to her work and said in a threatening way, "oh so you're working here now. Watch what happens next" and then he stormed out. The Officer asked no more questions about this.
 - d. The suspect also attended Miss X's place of work on Monday 29th December, Wednesday 31st December and then on Saturday 3rd January 2024 (the day of the report).
 - e. The events were becoming more frequent and were accompanied by repeated phone calls.
87. Ten minutes into the visit, the victim's mother asks the Officer what he would do next.
88. He replies that there are several options open but because her daughter didn't want to make any formal allegations, he would record what has happened, and if he could get in contact with the suspect, he would be told not to contact her.
89. The victim did not provide a current address for the suspect, and the Officer was only given the suspect's phone number. However, the victim did say that he was in receipt of PIP. The Officer could have used the suspect's phone number and/or PIP to make enquiries to locate the suspect, even if the results would not have been instantaneous.
90. The Officer did take some details as to the rough dates and locations of the previous assaults and asked if there were any photos of her injuries. However, his line of questioning was limited and nowhere near the level expected of an Officer taking a witness account in such a serious case. An Officer of the Officer's experience would know this, and the Officer would not require specialist domestic abuse training to undertake this task.
91. At 17.10 minutes, the Officer is seen to open the DASH risk assessment on his Kelvin device (this was confirmed by the Officer when giving evidence).

92. Therefore, is clear that the Officer knew what was expected of him at this point in the domestic abuse response.
93. The Officer is seen to hesitate and pauses as he checks the questions.
94. He then opens with *"did he ever made any threats to kill you or anything like that..... or just the stuff you've already reported?"*
95. The victim replies, *"yeah, yeah"*. This is not clarified by the Officer.
96. The Officer then proceeds to ask only some of the 27 questions that he should have asked as required by the DASH risk assessment.
97. The panel noted that the DASH was not an administrative or ad-hoc tick list. Its purpose is to assist an Officer in making the decision as to whether someone is vulnerable, needs safety planning and additional intervention. By failing to record known facts and risks, an assessor cannot make an accurate assessment of whether the person is at risk, and colleagues reading the form could be misled into believing a more minor event has taken place and consequently may make poor decisions and/or take the wrong actions thereafter.
98. At 18:55 minutes in the footage, the Officer is seen to close his notebook and states.
"Couple of options
- I. *The formal allegations in relation to the previous assaults. I'll be honest with you, prosecution would be difficult unless there's independent witnesses, or we have medical evidence or anything like that. He would still be spoken to but being realistic, it would be quite difficult to get a prosecution..... It's your word against his.... And especially if you don't want to make a statement, and I'm not going to force you to start giving a statement .. unless you want to.... the historic stuff, I'll record the crime and close them down if that's what you want?*
- II. *Going forward, I'll try and speak to him and say, look you need to stop. I'll explain to him that his contact is unwanted, even though he does quite clearly know that now from what you have said... I'll effectively say to him you are not to make any contact anymore, and if he does, then he can be arrested. I'll explain that to him. So, we will give him the opportunity to step back, but I'll formally let him know that, so going forward he hasn't really got the excuse saying I didn't know. Because, potentially, obviously the one coming here [meaning the Miss X and mothers home] is different, but the one on the bus could be a chance encounter, again coming into the shop. It takes away his opportunity to say well it was just a chance encounter, and I didn't know that she didn't want me to talk to her.*

Therefore, going forward if he continues with this, if he doesn't take the opportunity to stop, then he is likely to get himself arrested. So, we've given him the opportunity to stop, but he is not going to, and a more stringent intervention was required really".

- 87 In considering the above the panel reflected that given Miss X had previously fled and left the suspect, she had blocked him on her phone, and had told him to leave her alone, one could reasonably assume that the suspect already knew Miss X didn't not want to have contact from him. The Officer confirms in his statement above that he also thinks the suspect already knows that contact is unwanted.
- 88 At 21.43 the Officer tells the victim that if he turns up, she should ring 999.
- 89 No further safety advice was heard to be given on the footage.
99. The Officer later returns to the station but did not make any enquiries about the suspect on the intelligence system. His lack of professional curiosity meant that the Officer failed to see that in 2022, the suspect had a psychotic episode at A&E and was in possession of a knife, that he stabbed himself in the chest and then threatened Officers and hospital security, that he was detained with the use of a police issue incapacitant spray and a baton and was then sedated by hospital staff and given medical treatment.
100. This was important additional evidence regarding the suspect's mental health and propensity for violence.
101. Had this check been made, in line with the directed ISP checklist, the Officer would have determined that the suspect had a propensity to use knives and had no regard for authority / the police.
102. The Officer is experienced and had attended to numerous domestic abuse crimes previously.
103. The panel found it difficult to comprehend that an Officer of such experience, would think it was appropriate to deal this matter, by phone, with someone he had never met.
104. It is even more difficult to understand how, given the severity of the matters, that the Officer could have sufficiently conveyed the details of several assaults and multiple in-person stalking offences all within the period of three minutes, and still leave time for the Officer to give a credible formal warning.
105. Even if the Officer was being honest in his belief that giving a warning was sufficient, any reasonable person would suggest that this would have been done in a more rigorous fashion, such as face to face, via video link, whilst recorded on BWC and would have been

accompanied by the caution and a written record to show exactly what had been said or admitted.

106. The panel rejected the suggestion that an Officer of his experience would 'carte blanche' believe or accept anything an unknown suspect in this type of scenario would say over the telephone.
107. A three-minute call was grossly insufficient.
108. The Officer stated that off camera he did give additional advice, and warned the victim to keep themselves safe, block the suspect on the phone and keeping windows and doors locked.
109. The Officer asked the local community Officer to pay 'casual' attention to Miss X workplace.
110. The Officer states he gave a warning to the suspect so he wouldn't have any excuses the next time he offended.
111. Therefore, by his own admission, the Officer knew that the risks to Miss X still existed and there was a possibility of another event.
112. The Officer stated he appraised Sergeant D (who was specially trained in assessing domestic abuse incidents) of the case on the same night, and that the Sergeant agreed with his findings.
113. Sergeant D, in his agreed statement, stated that he couldn't remember exactly what the conversation entailed but that he had not confirmed with the Officer that night that he would agree the matter could be closed as requiring no further action; he said he would review the crime later.
114. The panel saw that the Officer did not commit the entirety of what the panel heard Miss X tell him onto the crime he forwarded for review by Sergeant D. The Officer had omitted critical information that should have required further action.
115. This meant that potentially, if the same information was omitted in the Officer's verbal report to Sergeant D, then he was being invited to close a report of crime based on information that was incomplete in important respects.
116. The Officer said that submitting less information than he should have, together with his decision to pursue the quicker option of warning the suspect, was not done to avoid any additional work. the Officer said that had he taken "formal action" it would have been no more work for him.

117. The panel rejected this claim as regards the work that would have been required to pursue the investigation more diligently. However, the panel did accept that by completing that evening matters as regards to Miss X, it meant he was assigned other tasks, not that he then went immediately off shift.
118. Had the Officer diligently investigated the matter he would have recorded Miss X's statement detailing the three or four assaults she had mentioned, along with the five instances of stalking / harassment.
119. He should have also taken a statement from the mother of Miss X.
120. Additionally, the Officer should have systematically worked through the DASH risk assessment, carefully detailing Miss X's experiences.
121. Had the process been followed correctly, then there would be no question that a high-risk scenario would have been identified and that decisive action to arrest and/or obtain an DVPN would have been urgently progressed.

Stage one – Panel Determination of Facts

122. Having reviewed and analysed all the evidence, the panel then considered and systematically worked through each of the allegations (underlined below) and the associated alleged breaches of the standards of professional behaviour.
123. The panel findings have been laid out at each juncture.

Duties and responsibilities

a. You were not diligent in the exercise of your duties and responsibilities in how you dealt with Miss X's complaint on 3 January 2024 in that you:

i. Agreed to dispose of the matter by issuing the ex-boyfriend with a warning as an alternative to 'formal action' when:

1. You knew or ought to have known that making such an intervention would be likely to increase the risk of harm to the victim; and / or

124. The Officer disputed that he knew that the issuing of a warning was likely to have increased the risk of harm. In fact, the Officer maintained throughout that he thought quite the

opposite; the Officer thought his actions would decrease the risk of harm (even if he was mistaken in this regard).

125. The panel considered whether the Officer ought to have known that this was the case.

126. The panel had noted the “change of policy” document published on 10th June 2022 outlining the cessation of the use of warnings. However, the document does not specifically state the issuing of a warning does in fact increase risk.

127. The panel was not provided with any material to show that the Officer had been made aware of the guidance against using warnings.

128. FINDING: the panel found that the AA did not prove the allegation on the balance of probabilities.

1. You knew or ought to have known that such a disposal had ceased to be an appropriate response to allegations of stalking and harassment in Cumbria Police since 10 June 2022 in part because of "the risk they pose to the victim"; and/ or

129. Similarly, to point one above, the panel were not provided with any material that confirmed that this disposal does “pose a risk to the victim”, nor that the Officer had been told that was the case. Furthermore, the Officer stated that he has continued to use such warnings since 10/6/2022 and no one has ever challenged him about the application of this disposal.

130. FINDING: the panel found that the AA did not prove the allegation on the balance of probabilities.

1. In any event you failed to seek authorisation for such a disposal from an Inspector.

131. The panel deliberated this allegation at length but concluded that if the issuing of a warning is no longer permitted as a contemporary policing tool, then it follows that seeking authorisation from an Inspector should not be a legitimate expectation. The allegation was essentially nullified.

132. FINDING: the panel found that the AA did not prove the allegation on the balance of probabilities.

i. Failed to give any or any adequate consideration to a more appropriate disposal for her complaint of stalking and harassment, such as by making any attempt to locate the ex-boyfriend and to arrest him as a precursor to seeking either his remand or bail with conditions not to contact Miss X, or by seeking to pursue a Domestic Violence Protection Notice or a Stalking Protection Order.

133. The panel carefully considered the bundle of evidence and the footage.

134. There is no doubt that there is early agreement between Miss X and the Officer (at one minute and seventeen minutes into the footage) that suspect could be “warned”.

135. The panel then considered whether Officer then went on to give *adequate* consideration to a more appropriate disposal thereafter.

136. The panel did note that the Officer told Miss X that “formal action” was a possibility, but he thereafter dismisses it, saying “prosecution would be difficult”. There is no explanation given as to what “formal action” means, nor is Miss X encouraged to consider this as an appropriate disposal.

137. The panel considered what was known to the Officer at the time, and how this may have prompted the exploration of alternative ways of dealing with the matter.

138. The evidence shows that before leaving Miss X’s house the Officer would have gleaned from the incident and from what Miss X (and her mother) volunteered to him, that:

- a. The suspect was capable of violence, having previously punched the victim in the face causing bruising. She stated this happened “three or four” times, once whilst Miss X was driving a car.
- b. The suspect “couldn’t stand that fact that she had left him”; he was jealous.
- c. Following her escape from the relationship, the suspect was found coming out of a private area at Miss X parents’ house (where Miss X was living). Her mother told the Officer she “didn’t like his attitude and it was quite frightening actually”.
- d. There were at least five potential “in-person” stalking matters, and they were becoming more frequent.

- e. Three of those events entailed unexpected visits to her workplace. During the last event the suspect rushed into the kitchen where she was working and was verbally abusive and threatening.
 - f. He smelled of alcohol when he would go into her workplace.
 - g. Miss X was receiving numerous missed calls from the suspect right up until the police report.
 - h. The suspect drank heavily and occasionally used cocaine.
 - i. The suspect suffered from PTSD linked to previous army service.
139. Even from the high-level detail elicited at this early stage, it would have been evident, even to the most inexperienced Officer, that the victim was not safe at home or at work.
140. The level of risk was obvious, and it was plain that the risk was increasing.
141. The Officer did recognise that there were multiple events of stalking and assault.
142. The Officer accepted that he had a power of arrest.
143. The Officer accepted that there were other options available.
144. The Officer accepted that it was an error not to seek a DVPN or SPO.
145. It should have followed that despite what the victim may have said they wanted, the Officer should have given adequate consideration to other viable and available options such as arrest, DVPN or SPO.
146. Despite the Officer stating that he did not know where the suspect was, he made no attempt to try and locate him, using the many tools available to police Officers.
147. **FINDING: the panel found the allegation proven on the balance of probabilities**

i. Failed to explain to Miss X the availability of any such disposal as a means of addressing her allegations of harassment and stalking.

148. The Officer outlined only two options: warning and / or formal action.
149. This was despite, as outlined above, the Officer knew that there were other options available.
150. **FINDING: The panel found the allegation proven on the balance of probabilities**

i. Failed to give any or any adequate explanation to Miss X of what 'formal action' might entail beyond his arrest and prosecution.

151. The panel could not find evidence of the Officer explaining what “formal action” meant. The Officer stated that he assumed she would understand this without any further detail.

152. The Officer told Miss X that (footage transcript page 65):

- a. Prosecution would be difficult unless there were independent witnesses, or there was medical evidence.
- b. It would be Miss X’s word against the suspect.
- c. She didn’t want to make “an allegation” and that he wasn’t going to force her to give “a statement”, unless she wanted to.
- d. He would record the “historic stuff” on a crime and that he would close them down, if that’s what she wanted

153. As the Officer was aware (because he asked Miss X) that she had never had dealings with the police before, the Officer should not have assumed that she would have understood what “giving a statement” meant and entailed, and therefore, she could not have been expected to make an informed choice as to whether she should have progressed with one.

154. **FINDING - The panel found the allegation proven on the balance of probabilities.**

i. Beyond suggesting that Miss X should call 999 'if he turns up' and asking the local community beat Officer to pay 'casual attention' to the property on his patrols, you failed to offer Miss X any safeguarding advice such as:

1. offering her a TECSOS alarm; and/ or
2. informing her neighbours or her colleagues at her place of work to raise the alarm if the ex-boyfriend reappeared; and / or
3. putting a safe alert on the property; and/ or
4. advising her not to go out alone.

155. The panel noted from the interaction captured in the footage, that the Officer gave no safety or crime prevention advice as outlined above.

156. **FINDING: The panel found the allegation proven on the balance of probabilities.**

i. Failed to take any steps to take a statement from Miss X's mother when she disclosed that she had seen Miss X's bruising after an earlier alleged assault.

157. It is fact that the Officer did not take the statement from Miss X's mother, when she was a witness in this case.

158. The panel rejected the submission that this statement would have been of no evidential value.

159. Miss X's mother may have provided evidence that she saw Miss X with an injury, together with the 'first disclosure' as to how she sustained it.

160. It is also a matter of fact that Miss X's mother witnessed the suspect in the private area of their home address, and he said to her "Take a look at me. Get a good look at me". Miss X's mother reported "not liking the suspect's attitude".

161. **FINDING: The panel found the allegation proven on the balance of probabilities.**

i. Failed accurately to complete the minimum standards checklist by recording:

1. Scene(s) (ISP) - N/A when you Miss X's place of work to have been the scene of two recent episodes of alleged harassment.

2. Witness (ISP) - None when you knew Miss X's place of work was to have been the scene of two recent episodes of harassment yet made no enquiries regarding whether there were any witnesses

3. Family Witness/ Enqs - accounts None when Miss X's mother had disclosed to you that she had seen bruising after an alleged assault on Miss A in August

4. Visual - BWV, CCTV, dash cam etc. - None when you knew Miss X's place of work to have been the scene of two recent episodes of harassment, yet you made no enquiries regarding whether there was any such evidence captured.

162. The panel examined the various written reports made by the Officer following his interaction with Miss X.

163. It is a fact that the responses to the prompts (1-4 above) have not been accurately completed, as the Officer has answered either "N/A or none", when this is not the case. For example, the Officer states there were no witnesses, and yet Miss X and her mother were witnesses. Similarly, the Officer records there is no BWC, but has tagged his BWC to preserve the evidence of his interaction with Miss X.

164. However, the Officer did state that these questions were difficult to answer accurately if there was more than one item to list, e.g. if there was more than one scene. The Officer said that whilst the “one word” answers might not be true, the correct details were expanded upon and recorded in the body of the report. The panel accepted this.
165. However, the panel found that not all the information known to the Officer at the time was recorded in the body of the report. It was not an accurate reflection of what Miss X told the Officer (as recorded on the footage). The reports failed to adequately detail important aspects of the evidence available and the risks posed.
166. In completing the prompts and that the form in the way that he did the Officer failed accurately to complete the minimum standards checklist.
167. **FINDING: The panel found the allegation proven on the balance of probabilities.**

Breach of the Standards of Professional Behaviour.

Duties and Responsibilities: Police Officers are diligent in the exercise of their duties and responsibilities.

168. Having regard to all the above information, the panel found that the Officer had not been diligent in the exercise of his duties, nor had he carried them out to the best of his ability. He had also failed to keep accurate records. The panel determined that this lack of diligence fell sufficiently below the required standard such that the panel found **that the Standard of Professional Behaviour relating to Duties and Responsibilities had been breached.**

Discreditable Conduct

b. In failing to deal appropriately with Miss X's complaint, your conduct was such as would discredit the police service and damage public confidence in it.

169. The panel found that that Officer was not diligent in the initial response to the crime. He failed to secure and preserve evidence relating to the multiple criminal offences reported. This alone would bring discredit to the police service.
170. However, the panel also found that the Officer did not adequately attend to the risk posed.
171. The Officer was duty-bound to complete the DASH risk assessment.

172. There are 27 questions to be posed to the victim, and they are designed to assess the level of risk, and the subsequent risk mitigation to be taken thereafter.
173. The footage shows that the Officer does not ask all the required questions, and yet he recorded the answers on the DASH form as though he had. There is little, or no, effort to extract from Miss X all the necessary details to accurately assess the risk to her.
174. When considering this against the wholly inadequate initial response (in terms of crime investigation and risk assessment / management) and the lack of professional curiosity, the panel concluded that the Officers' conduct has fallen way below what is expected, and in doing so would reduce confidence in policing and discredit the police service.
175. The panel also considered that it was not just what the Officer did (or did not) do that was of concern, but the way that the Officer had carried out his duties which was worrying. There are places within the BWC where Miss X or her mother can be heard to volunteer important evidence, and the Officer completely fails to respond, asks no clarifying questions and makes no notes. This further exemplifies the Officer's lack of professional curiosity, and this resulted in key investigative opportunities being shelved from the outset.
176. **FINDING: The panel found the allegation proven on the balance of probabilities.**

Breach of the Standards of Professional Behaviour.

Discreditable conduct: Police Officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

177. Taking into account how low the level of diligence from the Officer was in conducting the interview, combined with the fact this was an investigation of violence against women and girls, as well as stalking, both topics of national concern, the panel determined **that the Officer did breach the Standard of Professional Behaviour relating to discreditable conduct.**

Honesty and Integrity

c. Furthermore, you were dishonest and / or acted without integrity in that you made such entries on the minimum standards checklist when you knew the same to be false.

Honesty

178. The panel considered whether, as alleged, the Officer, when completing the ISP checklist, he was acting dishonestly.
179. In doing so the panel referred themselves to the accepted test for dishonesty, also known as the 'Ivey test', which arises from a change in the law made by the Supreme Court in 2017.
180. Subsequent to the Supreme Court judgement, the High Court confirmed that the Ivey test is good law in professional conduct tribunals, such as this, in the cases of GMC V Krishnan and Uwen V GMC.
181. The test the tribunal needs to apply is as follows:
- I. Firstly, the panel must ascertain (subjectively) the actual state of the Officer's knowledge or belief as to the facts. The reasonableness or otherwise of their belief may evidence whether they held the belief, but it is not an additional requirement that their belief must be reasonable; the question is whether it is genuinely held.
 - II. Secondly, once that has been established the panel must determine whether the Officers' conduct was dishonest by applying the (objective) standards of ordinary decent people. It is not necessary for the individual to appreciate that what they have done is, by those standards, dishonest.
182. Of relevance is the statement by Lord Hughes:
- "...(dishonesty is intended) to characterise what the defendant did, but in characterising it one must first ascertain his actual state of mind as to the acts in which he did it. It was not correct to postulate that the conventional objective test of dishonesty involves judging only the actions and not the state of knowledge or belief as to the facts in which they were performed. What is objectively judged is the standard of behaviour, given any known actual state of mind of the actor as to the facts."*
183. When considering step one, namely, the actual state of the Officer's knowledge or belief as to the facts, the panel considered that whilst the Officer knew what he was entering onto the minimum standards checklist might not have been accurate, nor that it fully reflected the entirety of the details known at that time, he did not enter responses with any deceitful intent. The Officer worded his report in such a way that it broadly covered the necessary

detail and his actions taken. The fact that the Officer was mistaken about the actions he took did not change his belief about the facts.

184. The panel considered whether ordinary decent people would think it would have been dishonest to record inaccurate answers in the way the Officer did. Whilst the public might still maintain that the Officer's response was substandard, they would not consider the Officers' actions as dishonest.
185. The panel came this conclusion because there was evidence that the Officer did not attempt to conceal his actions, even though they were wholly inadequate.
186. The Officer copied the same information into several reports, which were destined for review by different assessors. It is unlikely that an Officer would proactively, and repeatedly, share dishonest reports if he had intended to be deceitful or cover up his actions.
187. The panel also took account of the character evidence in terms of propensity and credibility when making this decision.
188. The panel concluded that the Officer had not acted dishonestly.

Integrity

189. The panel then considered the integrity limb of the standards.
190. In doing so they referred themselves to the case of Chief Constable of Thames Valley Police v Police misconduct panel and White (2017) EWHC 923 (Admin)
Mrs Justice Maura McGowan said in that judgement:
"...A lapse of integrity is very serious but can fall short of the quality of a lapse of honesty. Integrity in this context is not used in the sense of freedom from moral corruption rather in the sense of a failing to act in the right way, not behaving as the totally correct police Officer would, in some way falling short of the whole. It is explained for police Officers as "doing the right thing".
192. Therefore, one can still lack integrity even if falling short of a dishonesty breach.
193. When considering the integrity limb, given the panel have found that the Officer was more likely than not to have inputted inaccurate answers in the checklist, as opposed to being deliberately misleading, it followed that the Officer was doing what he believed was the right thing in the circumstances. The fact that the Officer was erroneous in his actions does not necessarily lead to a lapse of integrity.

191. FINDING: the panel found that the AA did not prove the allegation on the balance of probabilities.

Breach of the Standards of Professional Behaviour.

Honesty and Integrity; Police Officers are honest, act with integrity and do not compromise or abuse their position.

194. When considering all the above findings, accordingly the panel **found that the Officer did not breach the Standard of Professional Behaviour relating to dishonesty or integrity.**

Seriousness assessment

195. In assessing the seriousness of the misconduct, the panel considered the four-stage approach, working through culpability, harm, aggravating features and mitigating features.

CULPABILITY

196. Culpability denotes the Officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

197. The Officer was wholly responsible for the way the incidents reported 3rd January 2024 were handled. The failure to properly investigate the crimes lay with the Officer.

198. The Officer demonstrated a serious lack of professional curiosity throughout. This resulted in Miss X not being availed of the numerous disposal options available to her.

199. The Officer failed to adequately record the totality of the information known to him at the time, and in doing so effectively minimised the actual severity of the crimes that required investigation.

200. The Officer failed to recognise the potential to obtain key evidence from other sources.

201. The Officer failed to ask all the questions required of him when undertaking the DASH risk assessment. These are crucial questions designed to assess risk of harm. Even though the Officer could not have possibly known the answers that Miss X could give, he inputted the responses regardless. This failing resulted in the initial risk assessment (and any subsequent assessment by specialists) being inherently flawed and reduced the level of service Miss X may have otherwise received from the police and other support agencies.

202. The panel, on the evidence before it, found that the Officer had a closed mind, and too readily formed a view of how the incident would progress towards the issuing of a warning. Despite a wealth of information coming to light that would suggest a warning was a poor choice, the Officer failed to investigate alternative tactical options.
203. The panel concluded that culpability was at the medium to high level.

HARM

204. For clarity, the panel do not aver that the Officer is responsible for the subsequent serious assault on Miss X.
205. However, given the risk was clearly escalating, the panel concluded that the risk of physical and psychological harm from the suspect to Miss X was reasonably foreseeable. The Officer recognised that risk because he told the panel that he wanted the warning to be delivered right away in order to address the threat.
206. This is a case that would cause concern to the public. Violence against women and girls, and stalking are highly topical and matters of national concern.
207. Should the public have known the extent of the poor investigation and level of service in this case, then there is no doubt that confidence in policing would be diminished.
208. Miss X has expressed her actual dissatisfaction about the Officer's lack of action and has lost confidence in the Officer.
209. The panel concluded that harm was at the medium level.

AGGRAVATING FACTORS

210. The Officer, in his regulation 18 & 31 responses, prepared statement and in oral evidence, still maintained that, despite the obvious level of risk, delivering a three-minute telephone call to the suspect was the right thing to do (save for not offering a DVPN or SPO) and that he just did what the victim wanted.
211. The panel determined the Officer demonstrated a significant lack of insight about the impact of his potential actions and / or his lack of action.

MITIGATING FACTORS

212. The Officer did seek advice from Sgt D, and had a conversation with him, albeit the panel noted the information on the crime report did not reflect the entirety of the available evidence or risk.

213. This was a single isolated episode.
214. There is a lack of evidence that the Officer had received the most recent training relating to domestic abuse.
215. The panel considered the Officer's character evidence and positive work in the intervening period.

Conclusion

216. The panel concluded that culpability was at the medium – high level and that harm was at the medium level.
217. However, when weighing the aggravating and mitigating factors the panel identified, the panel assessed the seriousness overall to be at the medium level of seriousness.
218. There were no previous relevant allegations of misconduct brought to the panel's attention at this stage.

Level of Misconduct

219. It was alleged by the AA that the breaches amount to gross misconduct.
220. The panel very carefully considered whether the proven allegations amount to misconduct, gross misconduct or neither.
221. The panel also considered the purpose of the misconduct regime, most notably the need to maintain public confidence and the declaratory effect on deterring future misconduct.
222. Having regard to the above and all the matters the panel heard and considered, the panel found that this is a matter **that fell within the definition of misconduct.**

Stage Two

223. The panel heard and considered oral submissions on outcome from counsel for the AA and the Officer.
224. The panel also reminded themselves, throughout the entirety of stage two considerations of the purpose of the misconduct regime which is:
- to maintain public confidence and the reputation of the police service
 - to uphold high standards in policing and deter misconduct.
 - to protect the public.

Seriousness reassessment

225. In relation to the seriousness of the misconduct, the panel re-considered this and made the following changes to their assessment.

CULPBILITY

226. The AA requested that the panel reassessed culpability, taking into consideration the specific types of misconduct which should be considered especially serious, one of which is violence against women and girls. The term 'violence against women and girls' refers to acts of violence or abuse that are known to disproportionately affect women and girls. Policing has come under national scrutiny through high-profile cases where there has been a failing to prevent or protect women and girls from abuse and violence.
227. The guidance states that it is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated.
228. The Officer was experienced and should have recognised the vulnerability of the victim given she was a victim of domestic abuse and stalking.
229. The panel reassessed the culpability at this stage two as being at **the high level**.

HARM

230. The panel reviewed the actual and potential harm, and to ensure there was no double counting, the panel removed, *at this stage*, their previous reference to 'violence against women and girls'.
231. The panel reviewed their position in light of this and given the potential risk of harm and the actual harm (in terms of to Miss X's dissatisfaction) the panel determined that the overall harm remained at the medium level.
232. The panel reviewed the aggravating and mitigating features and made no changes.
233. In conclusion the panel found that the overall level of seriousness was at the medium to high level.

Stage Two Outcome

234. The panel had sight of and considered the Officer's service record.

235. Character evidence was proffered and the panel has noted evidence of good work from the Officer in the intervening period and during his previous service.
236. The panel was alert to the fact that the purpose of misconduct proceedings *is not to punish an Officer*. They reminded themselves that any outcome may have a punitive effect upon the Officer and that the outcome should be no more than necessary to satisfy the purpose of the proceedings.
237. The panel also recognised that where an outcome is necessary to satisfy the purpose of the proceedings, they must impose that outcome even if, in doing so, it may lead to significant consequences for the individual Officer.
238. The outcomes that were available were a written warning or a final written warning.
239. The panel firstly considered whether giving the Officer a written warning would be sufficient.
240. Having regard to the purpose and all the matters set out in our seriousness assessment, the panel considered that a written warning was not sufficient when considering the high level of culpability associated to the proven allegations.

Stage Two – Conclusion on Outcome

241. There was no evidence of any other conduct of this nature by the Officer. The panel again considered the positive nature of the Officer's conduct since the event.
242. The panel therefore concluded that the most appropriate outcome was a finding that the Officer receives a final written warning.
243. The panel then moved on to consider the length of the final written warning.
244. When considering the length of time for a final written warning to be imposed, the panel considered the seriousness of the conduct, the circumstances that gave rise to the misconduct, the public interest and the mitigation offered by the Officer, including previous record of conduct.
245. In addition to the Officer's culpability being assessed as high, the panel determined that the Officer demonstrated significant lack of insight since about the key features of this case, such as the poor level of service that he provided, the adverse impact on confidence in policing and Miss X dissatisfaction about the way he handled her concerns.
246. All these factors, when considered together, influenced the panel's decision to extend the period of the final written warning beyond 2 years.

247. In doing so the panel found that a final written warning of 4 years was necessary and would be sufficient to achieve the full declaratory effect of the police misconduct regime.

248. **Conclusion - the panel decided that the Officer would receive a final written warning of four years.**

Right of Appeal

249. In accordance with Police (Conduct) Regulations 2020 the Officer has a right to appeal to a Police Appeals Tribunal against the findings and outcome of a misconduct hearing.

ACO Sarah Jackson

IPM Jan Lamping

IPM Alastair Cannon

13th August 2026.