

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

Kent Constabulary

A MATTER CONCERNING FORMER PC 30123 Damian JENKINS

**NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING
(REGULATION 43(1) POLICE (CONDUCT) REGULATIONS 2020)**

Former Officer concerned: **30123 DAMIAN JENKINS** (“the former officer”).

Appropriate Authority: Chief Constable of Kent Constabulary (“AA”).

Date of hearing: 29th - 30th June 2026

Panel members: ACO Andrew Pritchard (Chair), Clare Harrington and Bryan McAlley (IPMs) - (“the Panel”).

Legally Qualified Person (LQP): Molly Pinkus

Relevant regulations: The Police (Conduct) Regulations 2020 (“2020 Regulations”).

Summary of Hearing

1. The misconduct alleged was set out in full in the Regulation 30 notice. The first allegation occurred in May 2022, when Former Police Constable (hereon referred to as FPC) Jenkins was working as a police constable for the Kent Police, working out of Medway Police Station. Between May – July 2022 FPC Jenkins behaved inappropriately towards a younger colleague, identified as PC A. The behaviour involved inappropriate touching and comments.
2. The second allegation concerned FPC Jenkins visiting two victims of a hate crime to take a statement from them on 5th July 2022. During the visit FPC Jenkins made comments which were perceived as inappropriate, unprofessional and odd.
3. The panel firstly considered whether breaches of the Standards of Professional Behaviour were found. If breaches were found, the Panel had to carefully consider

whether the breaches amounted to misconduct, gross misconduct or neither (*Regulation 41(15) as modified*); para 11.115 HOG). The Panel found that officer FPC Jenkins (cumulatively) breached the Standards of Professional Behaviour, namely, **Authority Respect and Courtesy, Duties and Responsibilities, Equality and Diversity and Discreditable Conduct** on the balance of probabilities having regard to all the evidence, circumstances and submissions made to us over the course of these proceedings.

Representation

4. Throughout the misconduct proceedings and hearing, the AA was represented by Mr Morley (counsel). Throughout the misconduct proceedings and hearing, the former officer did not attend and was not represented. The Panel heard the case in his absence in accordance with the request by the AA, in accordance with Regulation 37.
5. AS FPC Jenkins resigned from the police force in June 2023, the Former Officer procedure was followed. The Regulation 30 Notice was served on FPC Jenkins before 28th May 2025, and therefore the changes to the Former Officer procedure made by The Police (Conduct, Performance and Complaints and Misconduct (Amendment) Regulations 2025) do not apply.

Findings

6. The same findings, that are open to a Panel at a misconduct hearing for a serving officer facing an allegation of gross misconduct, are available. In essence, the allegation may be:
 - Dismissed as not proved;
 - Proved as misconduct; or
 - Proved as gross misconduct.

The Factual Allegations – FPC Jenkins

7. The Panel was referred to a final Regulation 30 notice wherein it was alleged in respect of **FPC Jenkins**:

Alleged facts

8. Allegation 1 – Behaviour towards ‘PC A’

On various occasions between approximately May 2022 and July 2022 you behaved inappropriately towards a younger female colleague, ‘PC A’, in any or all of the following ways:

- a. Sitting too close to her, invading her personal space;
- b. Repeatedly touching her leg, waist and/or shoulders, even after ‘PC A’ challenged you about this and had asked you not to;
- c. Telling ‘PC A’ about your personal life and asking ‘PC A’ about her ‘taste’ in men;
- d. Telling ‘PC A’ she was the “perfect size”;
- e. Telling ‘PC A’ she was the only “non-gay or non-lesbian police officer” you knew; and/or
- f. Telling ‘PC A’ several times that she was “a pretty girl”.

Your behaviour towards ‘PC A’ breached the following Standards of Professional Behaviour:

- a. ‘Authority, Respect and Courtesy’, because your behaviour towards ‘PC A’ was disrespectful and inappropriate;
- b. ‘Equality and Diversity’, because you treated ‘PC A’ differently because of her gender or sex; and/or
- c. ‘Discreditable Conduct’, because your behaviour towards ‘PC A’ was likely to bring discredit upon the police service.

9. Allegation 2 – Behaviour towards Two Victims of Crime

On 5th July 2022 you visited two female victims of a hate crime in order to take statements from them.

You were aware that the two females were in a personal relationship and whilst taking the statements you made a number of inappropriate comments that they felt were odd and unprofessional. The comments included:

- a. Referring to the body size of one of the victims, you said “there’s no meat on you”;
- b. You asked them whose house they were living in and whether they had a good relationship;
- c. You told them that the officer in the case would be female, whilst smirking;
- d. You told them that “usually when boys are homophobic to girls it’s because they are jealous because a pretty girl is gay and doesn’t want to go out with them and might take their girlfriends”, or similar words; and/or
- e. You referred to a colleague as someone who “likes girls too”.

Your behaviour towards Person B and Person C breached the following Standards of Professional Behaviour:

- a. ‘Authority, Respect and Courtesy’, because your comments were disrespectful and inappropriate;
- b. ‘Duties and Responsibilities’, because you failed to be diligent in the exercise of your duties and responsibilities;
- c. ‘Equality and Diversity’, because you treated the two victims of crime differently because of their gender, sex or sexuality; and
- d. ‘Discreditable Conduct’, because your behaviour was likely to bring discredit upon the police service.

Standards of Professional Behaviour

10. The Appropriate Authority contended that the aforesaid conduct breached the following Standards of Professional Behaviour (Sch. 2 2020 Regulations):
- a) **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.*
 - b) **Authority, Respect and Courtesy**- *Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.*
 - c) **Duties and Responsibilities**- *Police officers are diligent in the exercise of their duties and responsibilities.*
 - d) **Equality and Diversity** – *police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.*

The alleged behaviour described above was assessed by the AA as Gross misconduct and so serious as to justify dismissal.

Preliminary Issues

- 11. This hearing was conducted pursuant to the Police (Conduct) Regulations 2020 in public.
- 12. The Panel heard no submissions from the officer with regards to the anonymisation of his name and details. The complainant in the first allegation would be referred to throughout as PC A. The two victims of crime referred to in the second allegation would be referred to as persons B and C.

Evidence

13. The Panel was referred to a bundle of documentary evidence consisting of 139 pages and a full transcript of the officer's conduct interview held on 8/12/2022. The panel also had a copy of FPC Jenkins' typed account which was treated as his Regulation 31 response to the allegations.
14. During the misconduct hearing the Panel heard live evidence from PC A and PC Mistry.
15. The Panel particularly considered the officer's conduct interview dated 8/12/2022 and his emailed account dated 6th April 2026 which was in the Bundle and was effectively treated as his Regulation 31 response.
16. Additionally, the Panel received an Opening Note from the AA.

The Panel's Findings

Standards of Professional Behaviour

17. The Panel considered the evidence presented in this case, the accounts provided in the written submissions and verbally as part of the hearing.

Evidential findings of the Panel

18. In coming to our conclusions, the Panel have reminded themselves that the burden of proof remains on the AA throughout and the standard of proof is on the balance of probabilities, (*regulation 41(16)(a) of the 2020 Regulations*). All decisions made by the Panel have been made in accordance with this standard of proof.

19. The Panel have considered the evidence presented in this case, the accounts provided in the written submissions, by admission and verbally as part of the hearing.
20. In relation to the specific allegations themselves the Panel noted that FPC Jenkins had dyslexia. In respect of the conduct alleged in the Notice the Panel do not find that there is any link between the conduct identified and that condition.
21. The Panel heard evidence that FPC Jenkins reported to PS Asif that he had been bullied. The Panel have noted that PC Jenkins said in his email of 6th April 2026 that PS Asif was due to speak to the three officers,. However in his lengthy interview on 8th December 2022 FPC Jenkins did not mention any issues of bullying, or a connection between that and the complaint made by PC A. This was raised for the first time by FPC Jenkins in his Regulation 31 response in April 2026.
22. The Panel are satisfied that FPC Jenkins spoke to PS Asif about concerns he had about the behaviour of his colleagues towards him. However the Panel were not satisfied that the complaints raised by PC A and supported by PC Mistry were connected to any such report.
23. In respect of the two sets of allegations the Panel found the following:

Allegation One

24. The Panel found that PC A was a credible witness who gave considered evidence. PC A did not embellish her evidence and gave an account from her recollection. The Panel also found that PC A was very careful not to mislead the Panel and was honest when she could not be sure about something. When answering the questions the Panel considered that she had good powers of recollection, The Panel found her a persuasive witness.

25. The Panel noted that PC A reported this matter only after she was asked if there were any issues by Acting PS Asif. She said that she initially downplayed the allegations but was backed into a corner and told PS Asif.
26. The Panel found that in some respects Ms Mistry's account was at odds with PC A. The Panel found Ms Mistry gave broader answers in contrast to PC A's more detailed evidence. Where there were differences between the accounts of PC A and MS Mistry, the Panel preferred the evidence of PC A.
27. In relation to the specific allegations:

Allegation 1

a) sitting too close to PC A invading her personal space.

PC A described that FPC Jenkins would deliberately sit close to her despite there being lots of space. On one occasion she took a photograph showing where FPC Jenkins had positioned himself. PC Edwards stated that PC Jenkins invaded everyone's personal space. PC Blake also said that FPC Jenkins sat next to PC A but invaded all of their personal space. The Panel found that FPC Jenkins did not appreciate the personal space of his colleagues. The Panel found that he deliberately and repeatedly sat too close to PC A and invaded her personal space.

b) Repeatedly touching her leg, waist and shoulders, even after she had asked him on a number of occasions not to (and on one occasion he sat so close to 'PC A' that she decided to surreptitiously take a photograph and send it to a colleague).

The Panel found that FPC Jenkins did touch PC A in the way alleged and that was unwanted. The Panel also found that the touching continued after PC A had told him not to do so.

The Panel found that FPC Jenkins' denial that he touched PC A was inconsistent with his acceptance that he said something like "you let Ben (PC Blake) touch you, why can't I?"

c) *Telling 'PC A' about your personal life and asking 'PC A' about her 'taste' in men;*

The Panel was satisfied that PC Jenkins told PC A intimate details about his sex life and asking PC A about her taste in men. PC A replied that it was “someone my age.” The Panel also found that FPC Jenkins’ commented that it was a shame that the other officers were all young, which was inappropriate.

e) *Telling 'PC A' she was the “perfect size”;*

PC A made a comment that she was awaiting her uniform. The Panel were satisfied that FPC Jenkins said “you are the perfect size.” The Panel noted that FPC Jenkins effectively accepted making this comment but provided a different context. The Panel prefer the account of PC A in terms of the context in which this comment was made.

f) *Telling 'PC A' she was the only “non-gay or non-lesbian police officer” you knew;”*

The Panel heard clear evidence of this and accept it.

g) *Telling 'PC A' several times that she was “a pretty girl”.*

The Panel accept that FPC Jenkins said this several times based upon the evidence of PC A and Ms Mistry. The Panel do not accept FPC Jenkins’ explanation for this in his interview, namely that it was said only once in the context of PC A talking about her appearance.

Allegation 2

The Panel found as a fact that FPC Jenkins did visit Person B and Person C on 5th July 2022. The Panel found that FPC Jenkins knew that they were in a personal relationship. In relation to the specific allegations:

2a) *Referring to the body size of one of the victims, you said “there’s no meat on you”;*

The Panel note that FPC Jenkins accepted that he had said this or something similar, however he said that it was not meant to cause offence. The Panel concluded that this was an inappropriate thing to say to a victim of crime. The Panel also noted that the handwritten record made at the time by PS Wilkes refers to this comment. The Panel are therefore sure that this was said.

b) You asked them whose house they were living in and whether they had a good relationship.

The panel note that this is also in the contemporaneous note and are satisfied that FPC Jenkins said this.

c) You told them that the officer in the case would be female, whilst smirking.

The Panel note that there is a contemporaneous note of this at p138. However, having regard to the account given by FPC Jenkins, the Panel are not satisfied to the requisite standard that this was said.

d) You told them that “usually when boys are homophobic to girls it’s because they are jealous because a pretty girl is gay and doesn’t want to go out with them and might take their girlfriends”, or similar words;

The panel were satisfied on the evidence that this was said.

e) You referred to a colleague as someone who “likes girls too”.

The Panel note this is denied by FPC Jenkins, however there is a contemporaneous note of this at p138. However, having regard to the account given by FPC Jenkins, the Panel are not satisfied to the requisite standard that this was said.

Breaches of the Standards of Professional Conduct

Allegation One

28. The Panel therefore found that the conduct of FPC Jenkins (cumulatively) breached the Standards of Professional Behaviour, namely ‘Authority, Respect and Courtesy’, because your behaviour towards ‘PC A’ was disrespectful and inappropriate; ‘Equality and Diversity’, because you treated ‘PC A’ differently

because of her gender or sex; and ‘Discreditable Conduct’, because your behaviour towards ‘PC A’ was likely to bring discredit upon the police service; your conduct towards PC A does not match the expectations of the public and the public would not expect an officer to behave this way towards a colleague.

Allegation Two

29. The Panel found that the conduct of PFC Jenkins (cumulatively) breached the Standards of Professional Behaviour, namely ‘Authority, Respect and Courtesy’, because your comments were disrespectful and inappropriate, ‘because you failed to be diligent in the exercise of your duties and responsibilities; ‘Equality and Diversity’, because you treated the two victims of crime differently because of their gender, sex or sexuality; and ‘Discreditable Conduct’, because your behaviour was likely to bring discredit upon the police service. The Panel did not find that ‘Duties and Responsibilities’ was proved as the matters relied upon by the AA to prove this breach, (matters pertaining to questions asked during the statement-taking process), are better described as a performance issues and FPC Jenkins’ conduct is more accurately described as breaching the other standards.

Panel Finding on Outcome

30. The Panel’s task was to decide on the appropriate sanction in the light of the findings that PC Jenkins’ conduct amounted to Gross Misconduct. The Panel’s considerations as to outcome should be viewed in the context of the decisions as to the facts and conduct referred to above.

31. **Seriousness**

In respect of the first stage (seriousness), the COP Guidance directed attention to four central reference points (*Fuglers* at [29] and COP Guidance at para. 4.3):

- i. The officer’s culpability for the misconduct.

- ii. The harm caused by the misconduct.
- iii. The existence of any aggravating factors.
- iv. The existence of any mitigating factors.

The Panel was extremely mindful, cautious and careful not to engage in double counting when assessing the seriousness of the misconduct found proven.

32. **Culpability**

Allegation One

The Panel referred to the College Of Policing Guidance (*italics*, below):

4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused.

In relation to 4.10, The Panel found that the conduct of FPC Jenkins was deliberate and intentional in that FPC Jenkins continued acted in an appropriate way towards PC A and continued to act in that way despite her asking him to stop. The Panel found that raising the issue of PC A's size whilst they were in the lift alone together is an example of FPC Jenkins acting in a deliberate way making her feel uncomfortable. The Panel found that FPC Jenkins selected PC A because she was heterosexual and young and so he singled her out from the team for attention. There were instances of targeted actions such as FPC Jenkins moving his chair to sit very close to PC A despite being in a very large office.

4.11 - 4.11 Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm.

In relation to 4.11 culpability is high as the Panel took the view that FPC Jenkins could reasonably have foreseen the risk of harm.

4.12 - 4.12 Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of

trust, but an officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct.

In relation to 4.12 the Panel found that FPC Jenkins was more senior in age, male and with considerable policing experience. PC A by her own description was young, new to policing and “did not want to rock the boat” and was concerned about being a “snitch.” This is why she suffered the behaviour for some time before disclosing it to a supervisor.

4.41 - This includes cases involving bullying or harassment, either in the police service or towards members of the public. Give attention to the degree of persistence, the vulnerability of the other party, the number of people subjected to the behaviour and whether the officer was in a specific position of authority or trust.⁷⁰ More serious action is likely to be appropriate where the officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or improper emotional relationship with a colleague or member of the public.

In relation to 4.41 the Panel found that FPC Jenkins' behaviour was motivated by a desire to establish an improper emotional relationship with a colleague. PC A was sufficiently concerned about FPC Jenkins persistent behaviour that she felt compelled to take a photograph of him sitting unnecessarily close to her in trying to establish such an improper emotional relationship.

Allegation Two

4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused.

4.11 Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm.

4.12 Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust,

but an officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct.

The Panel found that FPC Jenkins' conduct was unintentional, but inadequate and clumsy. Any offence caused was not deliberate. However, it was the result of an inept social interaction and there was a reasonable expectation that given his role as an officer investigating a hate crime and the fact that he held a level of responsibility he should have acted appropriately. Also, he should have been considerate and mindful of the language he used towards the victims.

4.54 Discrimination towards persons on the basis of any protected characteristic is never acceptable and always serious.

4.56 Discrimination may involve language or behaviour. It may be directed towards members of the public or colleagues. It may be conscious or unconscious.

4.57 Cases where discrimination is conscious or deliberate will be particularly serious. In these circumstances, the public cannot have confidence that the officer will discharge their duties in accordance with the Standards of Professional Behaviour.

4.58 However, unconscious discrimination can also be serious and can also have a significant impact on public confidence in policing.

The Panel assessed that FPC Jenkins did not deliberately discriminate against the two victims of crime. The Panel also note that the victims themselves did not perceive his conduct as "homophobic". However the Panel found that his conduct amounted to unconscious discrimination on grounds of sexual orientation. The Panel further notes more broadly that in respect of both allegations, PC Jenkins' attitude towards people in same sex relationships were indicative of unconscious discrimination.

Taking the two allegations together, the Panel found the officer's culpability was HIGH. This is particularly the case in respect of the first allegation in which the behaviour was more targeted and persistent.

33. **Harm**

Allegation One

Again, the Panel referred to the College of Policing Guidance:

4.64 The types of harm caused or risked by different types of police misconduct are diverse. Victims may suffer:

- *physical injury*
- *sexual abuse*
- *financial loss*
- *damage to health*
- *psychological distress*
- *reputational harm*
- *loss of liberty (for example, if a person has been wrongfully arrested or detained)*
- *infringement of human rights*

The Panel found that Person A suffered psychological harm. She described how she did not want to go into work because of FPC Jenkins' behaviour and she avoided working in the same space or being double crewed with FPC Jenkins. The Panel also noted that for some time Person A had to navigate how to deal with FPC Jenkins' persistent and unwanted behaviour and assessed that this would have caused psychological harm. Person A took a photograph of the position FPC Jenkins placed himself in very close to her in order to check with a colleague whether she was right to be concerned. In her statement PC A described how FPC Jenkins did this every day. The Panel assessed that that, again, this would have caused PC A psychological harm.

Allegation Two

4.66 Harm will likely undermine public confidence in policing. 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. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

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

The Panel found that FPC Jenkins' conduct towards the two victims of crime, would be likely to undermine public confidence in policing. Given that they were reporting an unpleasant and homophobic hate crime, FPC Jenkins should have conducted himself sensitively and appropriately towards Person B and Person C, but failed to do so. The public's expectation should be that Person B and Person C would be treated appropriately regardless of their sexual orientation. The failure to do so would harm public confidence in the service.

Overall the Panel found that Harm was medium. In relation to the first allegation the Panel found that the Harm to Person A was medium. In relation to the second allegation the Panel found that the harm caused was low.

Aggravating factors

34. *In relation to Paragraph 4.76 of the COP Guidance included the factors that indicated a higher level of culpability or harm. There are factors within 4.76 that apply here, however the Panel were careful to avoid double counting and did not do so.*

— *Premeditation, planning, targeting, or taking deliberate or predatory steps.*

— *Continuing the behaviour after the officer realised, or should have realised, that it was improper.*

— *multiple proven allegations and/or breaches of the Standards of Professional Behaviour*

In addition the Panel accept those factors identified by the AA as being non-listed aggravating factors, namely:

- age difference / difference in life experience (allegation one)
- FPC Jenkins previous service as a Special Constable for four years
- the officer's categoric denial of many material aspects of the allegations
- lack of insight demonstrated by the officer's apology at page 126 of the Bundle ("this is what I was told to say by the fed rep").

35. **Mitigating factors**

The Panel considered Paragraph 4.81 of the COP Guidance included the following that indicated a lower level of culpability or harm. The Panel assessed that none of the listed factors apply.

36. **Panel Finding On Outcome**

37. Having found breaches of the Standards as set out above, the Panel carefully considered whether the breaches amounted to misconduct, gross misconduct, or neither (Reg. 41(15) (as modified), para. 11.115 HOG).

38. The Panel had to be satisfied on the balance of probabilities, that the conduct amounted to misconduct, gross misconduct or neither, with each term defined as follows –
39. ‘Misconduct’ means a breach of the Standards of Professional Behaviour.
40. ‘Gross misconduct’ means a breach of the Standards of Professional Behaviour that is so serious that dismissal would be justified.
41. The Panel noted that the purpose of disciplinary proceedings was threefold:
- To maintain public confidence in, and the reputation of the police service.
 - To uphold high standards in policing and deter misconduct.
 - To protect the public.
42. Where more than one allegation of misconduct against the officer concerned had been proven, it was for the Panel to decide whether, taken together, the misconduct amounted to gross misconduct. (HOG 2020 Para 11.132)
43. The AA submitted that the officers’ conduct amounted to Gross Misconduct. It was conduct so serious that the officers’ dismissal would be justified. That did not mean that dismissal must inevitably follow at the outcome stage.
44. The Panel considered whether FPC Jenkins’ conduct did amount to gross misconduct. The Panel reminded itself of the full circumstances of the case and the breaches of the Standards of Professional Behaviour found.

45. **Considering the cumulative conduct of FPC Jenkins in respect of each of the allegations and the facts proven, the Panel found that FPC Jenkins' actions amounted to Gross Misconduct.**

Outcome and Sanction

46. In deciding upon outcome and sanction, the Panel reviewed their assessment of seriousness. The Panel carefully considered the AA submissions which were helpfully served in writing. The Panel accepted those submissions and found them to be in accordance with the Panel's findings at the earlier stage.
47. As FPC Jenkins was a former officer, having found Gross Misconduct proved, the only disciplinary action that is available is "a finding that the officer concerned would have been dismissed if they had not ceased to be a member of a police force or special constable". If the Panel concluded that, had the former Officer still been in service, it would have given them, for example, a final written warning, the only disciplinary action available for a former officer cannot be given. In such a case, the finding of gross misconduct is simply recorded.

If the Panel does make a finding that the former Officer would have been dismissed had they still been in service, the former Officer's name goes on the Police Barred List.

48. In respect of personal mitigation, the COP Guidance states that:

6.2 Purely personal mitigation is not relevant to the seriousness of the misconduct. Tributes and testimonials should not be confused with the mitigating factors relating to the misconduct itself. Consider any personal mitigation after forming an assessment of the seriousness of the misconduct.

6.3 Consider any personal mitigation advanced by the officer when deciding on the appropriate outcome. Such mitigation may include whether the officer has shown remorse, acted out of character or made a significant contribution to the police service.

6.4 However, due to the nature and purpose of disciplinary proceedings, the weight of personal mitigation will necessarily be limited, particularly where serious misconduct has been proven.

6.6 The primary consideration for the panel or chairperson is the seriousness of the misconduct found proven. If the misconduct is so serious that nothing less than dismissal would be sufficient to maintain public confidence, personal mitigation will not justify a lesser sanction.

6.8 Although personal mitigation may carry more weight where lesser outcomes are being considered, the case law confirms that the interests of the profession, and the protection of the public, are more important than those of the individual officer.

6.9 Nonetheless, personal mitigation is always relevant and should always be taken into account.

The Panel received FPC Jenkins' service record and the supporting evidence on character which are restricted to internal entries in his record. These show that the former officer was of good character.

49. The Panel found the officer's mitigating factors, and the weight attributed to this material was necessarily limited, particularly having found serious misconduct. (Refer COP Outcome guidance Para 6 and *Salter v Chief Constable of Dorset [2012] EWCA Civ 1047 Para 23*).

Purpose of sanctions

50. The purpose of the police misconduct regime is unequivocally identified in the *Outcomes Guidance*:

“Police officers exercise significant powers. The misconduct regime is a key part of the accountability framework for the use of these powers. Outcomes should be sufficient to demonstrate the individual accountability for any abuse or misuse of police powers if public confidence in the police service is to be maintained. They must also be imposed fairly and proportionately.”

As to the second stage, the threefold purpose of the police conduct regime was kept in mind namely:

- a. Maintain public confidence in and the reputation of the police service.
- b. Uphold high standards in policing and deter misconduct.
- c. Protect the public.

Paragraph 4.4 of the COP Guidance states:

... “The most important purpose of imposing disciplinary sanctions is to maintain public confidence in and the reputation of the policing profession as a whole. This dual objective must take precedence over the specific impact that the sanction has on the individual whose misconduct is being sanctioned”.

Appropriate Sanction

51. The Panel considered the available sanctions in ascending order of severity, in accordance with *(College of Policing Guidance on Outcomes Para 2.8)* which states:

“However, the outcome imposed can have a punitive effect, which should therefore be no more than is necessary to satisfy the purpose of the proceedings. Consider less severe outcomes before more severe outcomes”

The Panel referred themselves to the College of Policing Guidance on Outcomes at paragraph 2.8 and considered the following in ascending order.

- (i) A final written warning
- (ii) Reduction in rank – Not applicable in this case.
- (iii) Dismissal without notice.

The Former officer procedure is set out at paragraph 3:

3.31 A panel that finds that the conduct amounts to misconduct only will record the finding but can take no further action. Where the panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action or no disciplinary action. Where the finding is gross misconduct and disciplinary action is imposed, this can only be that the former officer would have been dismissed if still serving. No other sanctions can be enforced. If the finding is gross misconduct but the panel determines that dismissal is not justified, then no action will be taken and the gross misconduct will be recorded.

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

52. Having considered all the issues, including the principles highlighted and the nature of the PC Jenkins' misconduct, the outcome that appropriately fulfils the purpose of these principles is **Dismissal without notice. The panel therefore find that if FPC Jenkins had not resigned, the appropriate sanction would have been Dismissal Without Notice.**
53. This sanction would have been a proportionate means of achieving the legitimate aims of these proceedings, which are the purposes of the police disciplinary process as set out in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings.



ACO Andrew Pritchard (Chair)

(IPMs) Clare Harrington and Bryan McAlley

30th June 2026