

IN THE MATTER OF
POLICE (CONDUCT) REGULATIONS 2020

BETWEEN:

CHIEF CONSTABLE DORSET POLICE
(Appropriate Authority)

-v-

SUPERINTENDENT PETER BROWNING

OUTCOME

1 The findings of the panel are contained in the ‘Decision’ document. However, due to reporting restrictions in place relating to witnesses this cannot be released into the public domain.

2 We have followed the guidance contained in the ‘Guidance on Outcomes in Police Misconduct Proceedings’. We have taken into account para 1.5 that the guidance does not override the discretion of the panel whose function it is to determine the appropriate outcome, dependant on the particular facts and circumstances of each case. We have used the guidance as a general framework for assessing the conduct. The panel has taken into account again at this stage the character references in favour of the officer. The panel has been provided with his service record.

3 Throughout, we have had firmly in mind that the purposes of the police misconduct regime is threefold:

- 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.

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- i) We have assessed the seriousness of the misconduct,
 - ii) We have borne in mind the purpose of imposing sanctions

iii) We have chosen the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question, having considered least severe sanctions before more severe.

5 When assessing the seriousness of the conduct we have considered:

- i) Culpability,
- ii) Harm and/or potential for harm,
- iii) Aggravating factors,
- iv) Mitigating factors.
Then gone onto consider;
- v) Personal mitigation.

6 **Culpability:**

- a) The conversation which others in the group engaged in, was inappropriate and discourteous to the individual concerned. It has rightly been described as disgraceful.
- b) The victim was not present and did not suffer the direct embarrassment of being present and hearing the comments being made. The panel does not believe this incident could properly fall within the VAWG¹ principles as outlined in Para 4.6 of the Guidance on Outcomes Document.
- c) The conversation should not have taken place at all. It did, however, occur in a public place. The panel cannot be satisfied that members of the public, in fact, heard the conversation nor that they would have associated the group with the police service.

¹ Violence Against Women and Girls.

- d) The officer was of a senior rank.
- e) The officer did not actively participate in the conversation but played a lesser role. He failed to stop it. It was neglectful rather than a deliberate, planned or motivated act.
- f) The misconduct lasted fewer than 5-10 minutes.
- g) This was a single occasion event.

7 In short this was a single event short in duration where the officer was not at the centre of the misconduct, but failed to recognise that he should stop it.

8 **Harm:**

- a) The subject of the conversation is likely to have suffered embarrassment and upset.
- b) The public would not expect or be satisfied that police employees acted in the way that the group did and would expect the senior officer to have intervened. The fact that he didn't could potentially have a detrimental effect on the reputation of the police and the public's confidence. However, the panel do not consider this officer's part in this incident would be likely to cause significant or substantial effect.

9 **Aggravating features:**

- a) The officer was the senior person present and should have displayed appropriate role model behaviour.

10 **Mitigation:**

- a) The officer's lesser role in the group's misconduct.
- b) The character references refer to the officer's service and demonstrate this was an out of character failing. That is a one off and unusual failing. It occurred two years ago and no further misconduct has occurred in the intervening period.

10.1 The panel has been careful not to double count factors in reaching the correct outcome. If a factor has been taken into account when calibrating the correct level of culpability or harm it has not been separately and additionally included thereafter.

11 **Personal mitigation:**

- a) Many years of positive good service.

12 The panel has considered the least severe penalty and one most proportionate to the misconduct having, firmly in mind, the purposes of misconduct proceedings.

12.1 Whilst this was a single event, it remains serious. This officer misconducted himself to a lesser amount than others in the group, but he was the most senior person present.

13 The panel's decision is²:

Supt' Browning shall receive a final written warning which will last for a period of three years. The panel extends the period under Regulation 42(10).

David Sapiecha: Chair

Neil Corrigan: Assistant Chief Constable Dorset Police

John Evans: Independent Panel Member

² Reg 42(3)(a) P(C)R 2020, Reg 42(9) P(C) R 2020.