

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

PC 29807 MAGGS

DECISION OF THE PANEL

1)Alleged Conduct – as set out in the Regulation 30 Notice

In 2024 and 2025, his conduct breached the Authority, Respect and Courtesy and Discreditable Conduct Standards of Professional Behaviour in respect of the following matters:

1.0 FACTS

1.1.1 In 2024 he sent a series of messages and videos to PC A that were unwanted, inappropriate and/or sexualised. These included 1.1.1 posting aflame emoji in response to a photograph of PC A that she had uploaded,

1.1.2 The same day as he posted the flame emoji, he sent a message stating, “also got to get a certain person out my head as they are definitely sitting in my (emoji squirting water) (emoji bank) {meaning wank bank} with their last insta story post (emoji laughing) I won’t ask what you are wearing as I really I a visual though process and need to sleep without having a stonking throb on that I can’t do anything about.”

1.1.3 Sending a message stating,
“We have a spare room if it is ever needed and although your gorgeous and I definitely would and if I ever saw more of your amazing body I would definitely add that to my memories [bank emoji].

1.1.4 Forwarding a video clip on Instagram stating, “Intimacy Question of the Day”, which then displayed a playing card bearing the question: “What do you desire from me that you haven’t dare ask?”, with text underneath stating, “If you could ask for anything from me what would it be. Giving you complete license to ask for anything, no judgements give”.

1.1.5 Forwarding a video clip on Instagram stating, “This kind of friendship”, which then showed a female saying to a male “No relationship. No emotions. Just sex. Whatever happens we stay friends. Swear”. To which the male replies, “Swear”, with text underneath stating, “Do you think anyone could ever do this?”

1.2. His conduct at para 1.1 was disrespectful, inappropriate, and/or amounted to sexual harassment.

1.3 On 20 December 2024, whilst off duty and on a night out with police colleagues, he touched PC X on the bottom and/or hip.

1.4 The touching described at para 1.3 was unwanted, inappropriate and/or sexual.

1.5 On 30 December 2024, he replied to an Instagram story posted PC X by sending her a message stating, “Who needs a love life when there is love honey and Duracell lol. (Yes I am tipsy sorry)”.

1.6 The message described at para 1.5 was unwanted, inappropriate and/or sexualised.

1.7 His conduct at paras 1.3 to 1.6 was disrespectful, inappropriate, and/or amounted to sexual harassment.

2.0 PARTICULARS OF MISCONDUCT

2.1 The conduct at paragraphs 1.1 and 1.2, is behaviour likely to be disrespectful, offensive, and involved PC A being harassed.

2.2 The conduct at paragraphs 1.3 to 1.7, is behaviour likely to be disrespectful, offensive, and involved PC X being harassed.

2.3 The conduct at paragraphs 1.1 to 1.7, is behaviour likely to damage his own reputation.

2.4 The conduct at paragraphs 1.1 to 1.7, is behaviour likely to undermine the public's confidence in the Staffordshire police and/or to discredit Staffordshire Police.

3.0 REASONS THE CONDUCT AMOUNTS TO GROSS MISCONDUCT

His conduct, if proved, amounts to gross misconduct for the following reasons

3.1 The conduct was seriously inappropriate.

3.2 The conduct amounts to acts of sexual harassment.

2) Response to the Allegations

The Officer accepts that in relation to PC A he over-stepped the mark, but that it was borne out of a misinterpretation of the relationship between them. Context is important and the context mitigates matters. His actions were misplaced and foolish, but not misconduct.

The Officer accepts that he ought to have completely avoided any sort of communications with PC X via messaging, owing to the reflective practice he had received, but he denies that he has acted in a way which would constitute misconduct. He denies touching her on the bottom.

3)Representation

Throughout the hearing the Appropriate Authority ('AA') has been represented by Mr Reed of Counsel. PC Maggs was represented by Mr Bridge of Counsel. The Panel is grateful for the assistance provided by both.

4)The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020 and within the Home Office Guidance of 2018:

a. Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

b. 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.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

5)The Panel's incremental Approach

a. The Panel determined that it was: -

- Required to consider the facts of the case and to make its findings of fact in relation to each of the allegations;
- Determine whether those findings of fact found constitute a breach of the relevant standards;
- Determine whether the conduct found proven against the Officer amounted to misconduct or gross misconduct.

The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout, and the standard of proof is the balance of probability, namely what is more likely than not.

The Panel also reminded itself of relevant guidance from the Home Office Guidance: -

“2.265. The more serious the allegation of misconduct that is made or the more serious the consequences for the individual which flow from a finding against him or her, the more persuasive (cogent) the evidence will need to be to meet that standard. This does not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred.

2.266. Therefore, in making a decision whether the alleged conduct of a police officer is proven or not, the person(s) conducting the misconduct meeting/hearing will need to exercise reasonable judgement and give appropriate careful consideration to the evidence.”

b. Purpose of misconduct meeting/hearing

The purpose of a formal misconduct meeting/hearing is to:

- a. Give the police officer a fair opportunity to make his or her case having considered the investigation report including supporting documents and to put forward any factors the police officer wishes to be considered in mitigation (in addition to the submission which must be sent in advance to the person(s) conducting or chairing the meeting/hearing for his, her or their consideration).

c. Decide if the conduct of the police officer fell below the standards set out in the Standards of Professional Behaviour based on the balance of probabilities and having regard to all of the evidence and circumstances.

6)The Facts

In our deliberations, we make it plain that the Panel reviewed and considered the entirety of the facts and evidence presented to it. The Panel has considered whether the facts alleged in the Reg 30 Notice are proven on the balance of probabilities.

The Panel has applied the civil standard of proof throughout these proceedings. The burden of proving the allegations rests entirely upon the Appropriate Authority, and the Officer bears no burden to prove his innocence or to disprove the allegations. The applicable standard is the balance of probabilities.

Accordingly, the Panel has determined each factual issue by considering whether it is more likely than not that the alleged conduct occurred. In reaching its conclusions, the Panel has carefully considered all of the evidence, both that which supports and that which undermines the allegations.

The Panel has assessed the reliability and credibility of the witnesses, the documentary and digital evidence, including the CCTV footage and messages, and the submissions made on behalf of both parties.

The Panel's findings represent its assessment of the evidence as a whole, applying the balance of probabilities to each allegation individually.

7) Good Character Direction

In making its findings in respect of the allegations, the Panel were invited to have regard to the good character of the officer. Whilst not a defence to the allegations made, this may be relevant to our consideration of the matter in two ways. Firstly, PC X has given evidence, and good character is a feature that we should potentially take into account when considering whether we accept what he has told us. Secondly, the fact that the officer has no previous findings against him may make it less likely that he acted in the manner alleged.

The Panel were provided with a bundle of 5-character statements. Whilst these speak positively of PC Maggs, none of them make reference to the facts of these allegations. As such, they are unable to assist the Panel as to the facts in issue or whether the specific conduct occurred. Whilst relevant, the Panel has therefore attached limited weight to them.

8) Background

PC Maggs transferred to Staffordshire Police in September 2022 from Thames Valley. Whilst in his previous force he served as a PCSO between 2013 and 2017 and then as a Police Constable for almost 5 years. He was one of the more experienced officers on shift at Tamworth Police Station.

These allegations emanate from messages the officer sent to PC A and PC X and an allegation of inappropriate/sexual touching of PC X, while attending a works Christmas party.

9) Findings of the Panel

A) Allegation 1-PC A

1. The Officer accepts that in relation to PC A he over-stepped the mark, but that this was borne out of a misinterpretation of the relationship between them. He accepts that his actions could be construed as misconduct, but the context mitigates matters. His actions were misplaced and foolish, but not misconduct.

2. The Officer states that he had a close professional and personal relationship with PC A and that they discussed matters of a personal nature relating to their own relationships and issues. They spent time together alone on biking trips. The Officer at no time overstepped the mark on any of those trips and behaved appropriately and as a friend.

The nature of the escalation of his attentions towards PC A was through messaging which in his mind was an attempt to 'sound out' whether she was interested in him or not sexually. It was because of his perceived belief that PC A was sharing ever increasingly intimate details of her life and engaging in behaviour that he interpreted as flirting, that he embarked on sending the messages to her. They did not come out of the blue and there was a context to them.

3. At no stage did she suggest to him that his actions were unwanted. At the point that the Officer sent PC A a message telling her explicitly that he liked her and she did not respond, he realised that his approaches were not reciprocated.

4. The officer refers to the fact that PC A did not herself report these matters to a supervising Officer. It is suggested by PC A that she removed herself somewhat from her friendship with PC Maggs. However, in the midst of this, he states that she did in fact continue to engage in unwanted behaviour towards the Officer.

He had been asked to run the shift briefings in the absence of a supervisor. Towards the end of one briefing, he was annoyed to see PC A drawing pictures in his notebook and tried to stop her. This aggravated a shoulder injury, and he shouted out at her louder than intended. He did not agree that it was an aggressive outburst and he did reach out to apologise to her.

The officer states that this demonstrates that PC A felt more than comfortable engaging in sexualised banter with the Officer. It also shows that she was also more than capable of sticking up for herself.

5. PC A will say that she became friends with PC Maggs inside and outside of work, due to their shared interest in mountain biking. She found him easy to talk to and she confided in him about personal relationship problems. In June 2024 PC Maggs responded with a 'fire' emoji to an image PC A posted on Instagram of herself in gym wear. She felt that this was "weird" given he is over 40 years old. He made several overtly sexual references in response to the image, which included 'squirting' and 'bank' emojis. He went on to tell her that he has a voyeuristic side to him that only she knows about. The messages were sent late at night whilst both were off duty.

It is submitted by the Appropriate Authority that the officer used the 'squirting' and 'bank' emojis to mean 'wank bank', which is undeniably a sexual reference.

The officer's message continued, saying "I won't ask what your wearing as I really I a visual thought process and need to sleep without having a stonking throb on that I can't do anything about'.

6. PC A states that she did not respond to the message from the officer telling her that she was gorgeous and that he would "happily share a bed" with her. She states that he went on to message to say that he doesn't believe in monogamy, but S (his wife) does, so he wouldn't act on it.

He then messaged to say 'I'm not into ruining my life or anyone else's, even if I have a voyeuristic side to me that You're probably the only person I have now told. But that's a totally different conversation where where I advise you never snoop to far into my pictures on my phone 'laughing emoji' as would definitely need to burn your eyes out and get a bucket to catch the 'vomit emoji' Anyway I've said to much and need to stop ranting and need to go to bed. Night hun please look after yourself mate, love you lots and lots xxx'.

She states that she was taken aback and didn't know how to respond. They had never shared this sort of chat or "banter" before. PC A put her phone down and didn't look at it until the next morning.

7.The following day she saw that he had sent a further message at 00:08hrs, which read 'Yeah just re-read that may have over shared to much there can I claim the drugs did it 'laughing face emoji' sorry I just went way way past the line.'

Later the same day he sent a further lengthy message where he apologised for being 'a dick'. She replied saying 'Just stop being a dick HaHa'.

He messaged a few days later saying, 'So I get it I fucked up'.

8.PC A states that she felt obliged to respond to his message that he had shared too much in order to placate him. She withdrew from communicating with him outside of work and, although they retained a polite and professional working relationship, their friendship changed after this. In evidence, PC A stated that she no longer saw the officer as a "safe space" and did not feel comfortable being friends with him.

9.PC Maggs accepts that he sent messages of a sexual nature but claims they were part of a consensual, two-way conversation between friendship and consenting adults. He said that they would speak daily via social media platforms, often about intimate relationships, sexual innuendos and jokes. These themes would continue into their in-person conversations. They regularly added emojis to each other's posts and he did not believe the 'fire' emoji would have been unwanted.

Her disclosures to him about her own personal relationships became more intimate over time and he believed she was sharing the details not just to get his opinion, but in order to flirt with him.

During their cycling trips he believes she was being sexually suggestive in telling him to look at her bottom, asking if she was dirty. In hindsight he admits to misinterpreting the nature of their relationship due to finding her attractive.

10. The Panel has had sight of an Instagram screenshot exhibited as RDS1 and a copy of WhatsApp screenshots (x5 pages) exhibited as RDS2.

PC A produced two screen recordings showing video clips which had been forwarded to her on Instagram by PC Maggs. She feels that they were sexually suggestive and inappropriate to be sent by a work colleague. One was shared with PC A by PC Maggs on 20th June 2024 and the other on the 18th of June 2024.

One clip was entitled “Intimacy question of the day” and the other referred to “this kind of friendship” and referenced a female saying to a male “no friendship, no emotions, just sex”. PC Maggs appeared to have typed under the message “do you think anyone could ever do this?”. PC A did not respond to either of these video clips.

PC A did not challenge PC Maggs about these video clips but confided in colleagues that she thought the messages were weird. She then disclosed the situation when contacted by Chief Inspector Rob Neeson (now Superintendent Neeson).

11. Chief Inspector Rob Neeson has provided an account and gave evidence. On Friday 4th October 2024 he had a one-to-one discussion with PC Maggs. This was prompted by the messages which CI Neeson was aware had been sent to PC A and about expected standards of behaviour. He was assured by PC Maggs that he had had no intention to cause offence, that he recognised his actions were not acceptable and would not repeat the behaviour. The officer agreed to be moved to another team, away from PC A.

Further to this, CI Neeson attended several briefings where he reinforced appropriate behaviours, such as comments that could be deemed offensive. PC Maggs was present in one of these briefings.

CI Neeson was clear during cross examination that he did not consider the giving of informal advice as finalising the matter but rather as the setting of clear expectations for the officer moving forwards. There had not been a formal complaint from PC A at this stage, and her wishes were paramount due to personal struggles that she was dealing with.

He was challenged robustly and repeatedly on this issue during cross-examination but remained consistent in his account that informal advice was a proportionate response in the circumstances and that it was not a finalisation of the matter. If there was a

subsequent complaint (which is what happened) or the inappropriate behaviours did not cease, the matter would have been referred back to PSD.

12. PC A states that she valued the male perspective and also the life experience that the officer brought to their discussions, due to him being so much older. She was physically upset during some conversations and does not accept that her behaviour towards PC Maggs could have been reasonably perceived as 'flirting'. She only ever saw him as a friend.

She spoke to him about her poor mental health and saw their bike rides as an opportunity to clear her head in the fresh air. She states that if she did ever make remarks about having mud on her bottom, it was never sexual nor suggestive and was simply to avoid getting the seat of his van dirty.

She says that the whole message thread would show her communication with him to be innocent, but this is not available due to PC Maggs activating the disappearing messages function on the WhatsApp application.

She referred to two incidents which have taken place at work and although she accepts that her behaviour was silly, she feels that PC Maggs' reaction to it was unnecessary and is due to him having an anger management issue.

B) DECISION

On the totality of the evidence, the Panel is satisfied on the balance of probabilities that PC Magg's conduct towards PC A was unwanted, inappropriate and sexualised.

The Panel's reasons are as follows: -

1. The Panel has considered the context relied upon by the officer. PC Maggs' explanation is that the messages formed part of a consensual, two-way exchange between friends who routinely discussed personal relationships and intimate sexual matters. It notes that he and PC A had developed a close friendship, regularly communicated outside work, shared personal confidences and socialised together. The officer states that his actions arose from a genuine, albeit mistaken, interpretation of their relationship.

2. The Panel has drawn a distinction between personal messaging arising from their friendship and an invitation to engage in sexualised communications. PC A explains that she sought advice and support from an older, trusted colleague during a difficult period in her personal life. The Panel is satisfied that the fact that she disclosed personal sexual matters involving her then partner did not suggest or indicate consent to sexual advances or explicit messaging.

3. Significantly, when the officer escalated the conversations by expressing romantic and sexual interest, referring to sharing a bed, discussing voyeurism and sending sexually suggestive content, PC A did not reciprocate or respond to the messages but drew back from the friendship. For example, the officer referring to his “stonking throb” in one message, which is unequivocally sexual. PC A interpreted this as the officer informing her that he was aroused. When giving her evidence, she stated that any response from her would have “opened the door” to the officer that she may be interested in him.

4. The officer has completed ‘Know the Line’ training in force and he himself recognised almost immediately that he had “gone way way past the line” and apologised. This suggests a realisation on his part that his messages had gone beyond what was appropriate. These admissions are inconsistent with his assertion that he genuinely believed the communications were part of a two-way conversation with PC A and the Panel rejects this explanation.

5. The officer's communications with PC A escalated into explicit expressions of sexual interest in her. For example, he told her she was in his "wank bank" and commented on having a "stonking throb" by imagining what she was wearing. He sent two videos to her inviting discussion about intimacy and casual sex.

6. In respect of the fire emoji added by the officer to an image of PC A in gym wear showing her abs, the Panel is entirely satisfied that this was sexual. It has reached this conclusion because: -

- PC Maggs accepted during his evidence in chief that he was sexually attracted to PC A.

- He referred to the image of PC A that he applied the emoji to a subsequent message, saying "also got to get a certain person out my head as they are definitely sitting in my (emoji squirting water) (emoji bank) {meaning wank bank} with their last insta story post (emoji laughing)". The officer himself in this message placed the image that he applied the emoji in his "wank bank" which is clearly a sexual reference.

- His evidence on the point clearly shifted significantly. He initially said that the emoji was to give PC A confidence but then accepted that it was because he thought that she was attractive and he would not have discounted a "friends with benefits" relationship.

7. The Panel has considered the message sent by PC Maggs to PC A which read, as typed in Whats App, "I won't ask what you are wearing as I really I a visual thought process and need to sleep without having a stonking throb on that I can't do anything about."

The Panel considers this to be an overtly sexual message. The Officer was not discussing sexual matters in general terms, but he was directing sexual comments towards PC A personally. Again, this can be entirely distinguished from PC A confiding intimate details of her own relationship to PC Maggs when seeking his advice.

By stating that he would not ask what she was wearing because she was part of a "a visual thought process" and he did not wish to go to sleep with "a stonking throb" that he "couldn't do anything about", he was communicating that thoughts of PC A's appearance were making him sexually aroused. Indeed, PC Maggs accepted in his evidence in chief that he had "disrespected" PC A. Indeed, he objectified her and the Panel is satisfied that the message was unwanted, inappropriate and sexualised.

8. PC A produced two screen recordings showing video clips which had been forwarded to her on Instagram by PC Maggs. She feels that they were sexually suggestive and inappropriate to be sent by a work colleague.

One clip was entitled “Intimacy question of the day” and the other referred to “this kind of friendship” and referenced a female saying to a male “no friendship, no emotions, just sex”. PC Maggs appeared to have typed under the message “do you think anyone could ever do this?”.

PC A did not respond to either of these video clips, which both parties agree were sent at around the same time as the messages. PC Maggs agreed in cross examination that he was “testing the water” when he sent them and accepts that it was wrong of him. The Panel is satisfied that the video clips were sexualised and inappropriate. Whilst not created by PC Maggs, they were searched for and chosen by him to send to PC A for a specific reason, to test whether he had a chance of a sexual relationship with PC A.

Police officers are entitled to carry out their duties and interact with colleagues without being subjected to unwanted sexualised communications. That expectation underpins the fundamental principles of dignity, respect. The Panel is satisfied that the messages and video sent by the Officer crossed those professional boundaries and that PC A should not have been expected to tolerate them.

9. The Panel has considered whether the conduct was unwanted by PC A. The officer argues that there was mutual flirting.

The Panel rejects this on the totality of the evidence and is satisfied that PC A did not encourage the sexual messages and did not reciprocate the sexual comments.

The Panel does not accept the Officer's submission that because PC A discussed intimate difficulties in her personal relationship with him, it was reasonable to infer that she welcomed or encouraged sexualised communications.

There is a distinction between discussing one's own relationship difficulties in the context of friendship and support and receiving unsolicited expressions of sexual attraction or sexually explicit messages from the person providing that support.

Indeed, PC Maggs stated in a further message to PC A “I looked at the line and I said well fuck it why not jump straight in”.

This message undermines the Officer's submission that he innocently misinterpreted the nature of the friendship or was unaware that his communications might be unwelcome. Rather, it demonstrates that he appreciated there was a line where his behaviour would become inappropriate and deliberately chose to cross it.

To clarify, the Panel rejects the officer's submission that he misinterpreted signals from PC A that she was interested in him. On the totality of the evidence, it is satisfied that there are no words, actions or behaviour on the part of PC A that suggested this. The officer did not misread the situation but rather acted in his own interests and "tested the situation".

10. It was put forward by the officer that PC A was "flirting with "him or "coming on" to him when she referred to having a dirty bottom after mountain biking.

The Panel rejects PC Maggs' assertion that it was the "way she said it", that she was "pushing her body parts" at him and "pointing her bottom" at him. The Panel accepts entirely PC A's evidence that she did not want to get the seats of PC Maggs' vehicle muddy. She thought of him as a more senior and older friend that she could seek advice from, and PC Maggs confirms that she never told him that she was sexually interested in him. The Panel finds her account more credible than that of PC Maggs.

11. The Panel considers that PC A's drawing of male genitalia in the Officer's notebook was juvenile. However, it did not communicate a sexual interest in PC Maggs and was not inviting sexual contact. The Panel considers that it was materially different to the actions of PC Maggs.

12. The Panel does not consider that the fact that PC A only decided to make a formal complaint once she was made aware of the matter involving PC X undermines her credibility. It does not accept that she was "not bothered enough to do anything about it" as was suggested on behalf of the officer. PC A did not say this at any stage.

In evidence, she stated that she was trying to move on and his messaging had ceased since she withdrew from the friendship. She believed initially that the officer's behaviour towards her was an isolated incident. The Panel consider that it is entirely reasonable

that PC A changed her view and subsequently altered her perception of the significance of the officer's conduct when she heard about the further allegation.

The Panel further considers that any motive PC Fitzgerald had in making a complaint in respect of PC Magg's conduct towards PC A is not relevant to the Panel's determinations. The authenticity and content of the messages is not in dispute.

13. The actions of CI Neeson were referred to at length as part of the officer's case and the Panel made a determination as part of the application to stay proceedings on behalf of PC Maggs that he could not have had a realistic expectation that the informal action was the end of the matter in the circumstances. He did not receive unambiguous and unequivocal assurances that no further action would be taken in respect of an allegation so that it would/could not be resurrected.

During cross examination, the officer confirmed the position of the Panel stating that his understanding was that only if nothing else happened, that would be the end of the matter.

14. The Panel notes that the Equality Act 2010 prohibits various discriminatory conduct including harassment. Section 26 of the Equality Act 2010 defines harassment and sexual harassment.

The Panel notes the requirement that the witness must actually have felt or perceived their dignity to have been violated or an offensive environment to have been created. The causing of slight upset or mild offence by the conduct in question is not a violation. In deciding whether conduct has the effect referred to i.e. violating PC A's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, the Panel has considered the perception of PC A, the other circumstances of the case.

The Panel has considered the case of *Richmond Pharmacology Ltd v Dhaliwal* [2009] IRLR 336 and note that the Employment Appeals Tribunal emphasised the need to avoid creating a culture of hypersensitivity. It has considered context.

15. The Panel considered whether the proven conduct constituted harassment and/or sexual harassment, being unwanted conduct of a sexual nature which violated the dignity of PC A.

The Panel is aware that the actions of others impact different people in different ways, and the law clearly states that it is the impact on the victim and not the intention of the perpetrator that defines sexual harassment.

The Panel is entirely satisfied that PC Maggs' conduct amounted to both harassment and sexual harassment for the following reasons: -

-The messages and video clips sent to PC A were sexual in nature. References to her being in his "wank bank", comments about her body, his indication that he was sexually aroused by her image, and videos inviting discussion about sexual relationships and intimacy were wholly inappropriate communications between police colleagues. They were unsolicited and unwanted.

On his own admission the messages were intended to test whether he could initiate a sexual relationship. These communications crossed professional boundaries and were inappropriate and persistent.

-The conduct had the effect of violating the dignity of PC A, who states that she was taken aback when the messages escalated and didn't know how to respond. She states that she was disappointed that he had spoiled their friendship and hoped or expected that he might address the messages or even apologise. She felt awkward seeing him at work and described during her evidence that, when she received the sexualised messages, she put her phone down and thought "what the hell" and felt disgusted. She described the messages as vulgar.

-On the totality of the evidence, the Panel is satisfied that it was entirely reasonable for the officer's conduct to have this impact upon PC A, a relatively young in-service officer who thought that PC A was an older friend and a source of support for her.

- The Officer exploited their friendship and used it to introduce explicit sexual communications. The Panel rejects the suggestion that friendship or discussions about her personal relationships entitled him to communicate his own sexual thoughts and desires towards PC A to her. The officer failed to respect appropriate professional boundaries.

- In determining whether the Officer's conduct amounted to sexual harassment, the Panel has considered not only the content of the individual messages but all the surrounding circumstances. The Panel has rejected the Officer's submission that he merely misinterpreted signals from PC A. It has also taken into account the progressive nature of the Officer's communications, which escalated from social messaging to explicit references, such as PC A being in his "wank bank". It has attached some weight to the Officer's own admission, "I looked at the line and I said well fuck it why not jump straight in."

The conduct was unwanted, violated her dignity and amounted to sexual harassment.

16. The Panel finds the allegations in respect of PC A proven to the requisite standard in their entirety.

C) Allegation Two-PC X

1. The officer accepts sending the relevant message to PC X but asserts that this message has been misinterpreted. When seen in the context he describes, he asserts that the message does not amount to misconduct nor gross misconduct.

2. PC X states that she joined Staffordshire Police in May 2021. After her initial training, she was posted to a shift at Tamworth. One of the team members was PC Maggs.

3. In December 2024 PC X helped to book a Christmas night out in Birmingham City Centre, which was attended by the whole shift. During the evening, they moved between various bars and by the time they arrived at the last bar, the Walkabout Bar, PC X states that she felt drunk but remained aware of her surroundings.

Towards the end of the night, she found herself talking to others, standing next to PC Maggs. She felt his hand on her bottom which she believed to be an intentional touch, as there was no one else in the direct area. She described the touch as being a full open hand touch in the centre lower part of her bottom, on the cheeks. PC X was sure that it was the officer who touched her because there was no one else in the direct area that could have touched her.

In response to the touch, PC X walked over to the rest of the group she was with and told them, "David has just touched my bum." PC X cannot recall how the group reacted, but she does recall that it brought the night to an end. She states that she was "creeped out" and totally surprised.

4. As she left the bar, she saw that PC Maggs had sent some messages to her phone which she had not been aware of at the time. The first message PC X received from the officer, on 21 December 2023, was timed at 01.20 hours (1.20am on 21 December 2023) and stated, "Do you need a code for help". PC X was unable to apply any context to this message from the officer.

This was followed by a message timed at 01.34 hours (1.34am on 21 December 2023), which stated, "Night I could come back to your but best I go home so no issues see you next set hope you had a good night massive hugs and hope you enjoyed the night too". The context behind this is that at some point before the night out PC Maggs was talking about getting a hotel as it would prove costly for him to arrange a taxi, and PC X had said to him that he was welcome to sleep on her couch. She states that this is something she would have said to anyone on her team.

The final message was sent at 02.00 hours (2am on 21 December 2023) and stated: "Feeling like I said things I shouldn't hope you get home ok speak soon hopefully".

5. On 30th December, she received a message from PC Maggs on Instagram which she felt was sexually inappropriate.

The officer replied to an Instagram story posted by PC X by sending her a message stating, “Who needs a love life when there is love honey and Duracell lol. (Yes I am tipsy sorry)”.

6. In his prepared statement, the officer explains his message of 30 December 2023, by referring to PC X mentioning that her sex toy was broken during the night out on 20 December 2023. The officer says that he mentioned to PC X that she would get a discount for buying a new sex toy if she used her ‘blue light card’ (a discount for being a police officer) at the adult website, ‘Love Honey’.

7. PC X accepts that she did have a broken sex toy but did not recall any conversation about this. She stated further that if she had said something about her broken sex toy that it would have been a throwaway remark. PC Ellis recalls PC X saying something about a sex toy or vibrator during the evening of 20/21 December 2023, but he could not recall the context in which it was said. 55. The AA says that the officer’s message regarding love honey was a sexualised message sent to PC X.

8. The Officer denies that he touched PC X in a sexually inappropriate manner or at all.

The Officer’s position is that he touched her on the hip/lower back to steady her as she was pushing into him at times which was hurting his shoulder. He was not attempting to touch her in a sexual manner. A touching of the hip or lower back is not something which would constitute sexual harassment in the circumstances as seen on the CCTV.

9. He states that he and PC X had been in good spirits throughout the evening. On the walk to the final bar, she had linked arms with him and suggested that he could stay on her sofa if getting a cab home was too much money. This was interpreted by him as a kind and friendly gesture on her part and not construed as flirting. The Officer mulled over the offer and messaged his wife, who told him that she wanted him to come home.

10. When the Officer messaged PC X that he would go home instead of staying at hers he was merely doing her the courtesy of letting her know. It was not a sexually suggestive or inappropriate message to send, especially in view of the fact that she had offered him her sofa.

The message he sent her stating 'do you need a code word' relates to him trying to assist her as he believed that she was being chatted up by men who she was not interested in.

When he messaged to say that he was concerned that he had said something wrong, he was not implying that he had or indeed that he had in fact said anything to her.

11. He spoke with PC X the next day about the night out and checked if there was an issue. She reassured him that there was not and so he believed that all was well. After this point the two exchanged messages about work on Instagram, demonstrating that PC X was at the very least, comfortable talking with him outside of work.

The message that he subsequently sent to her about 'love honey' was as a result of a conversation that they had had whilst they were on the night out. PC X's recollection of the evening is hazy as she was drunk, as was PC Ellis' recall, for the same reason. However, PC Ellis' confirms that PC X did talk about her vibrator being broken.

The officer states that it could be argued that it was an entirely inappropriate matter to raise with male colleagues, but it demonstrates that she was happy to discuss this in front of them.

In hindsight, the Officer accepts that he ought to have thought twice about sending it, given his history with PC A, but there was no sexual overture within the message.

12. PS Janaid Khan attended the home address of PC X on Saturday 4th January 2025. He documented screenshots of messages she said had been sent to her by PC Maggs. PC X told him that during the shift Christmas night out, PC Maggs had placed his hand on her bottom.

She said she brought the incident to the attention of others present on the night out and colleagues reached out to her the next day to check on her. She said that the incident had upset her and returning to work afterwards had caused her further discomfort.

13. PC McMulkin was present on the Christmas night out. By the end of the night, he was quite drunk and has a patchy recollection of the evening. He saw that PC X was drunk and at some points in the night was being held up to prevent her from falling. He will say that the night came to a natural end at around 2am and they got ready to leave. PC Maggs was left on his own, ordering a taxi to go in the opposite direction from the majority.

Whilst PC McMulkin was waiting with others for a taxi, he recalled either PC X or somebody else saying that something had happened between her and PC Maggs. He was shocked to hear that PC Maggs had touched PC X on the bottom and told PC X that if something had happened, she needed to report it.

14. PC Woolley was also present during the night out but only had a vague recollection of the Walkabout Bar at the end of the night. She remembered returning from the toilets with PC Whitehouse, and seeing PC X standing at a table, with PC Maggs standing half behind her and half to her right. His right arm was around her side, and his left arm was resting against her left hip. PC Woolley thought this looked to be more intimate than she would expect, considering their relationship was not that close.

When they returned to work after rest days, PC X confided in PC Woolley that she felt uncomfortable around PC Maggs. PC Woolley was then informed that PC Maggs had allegedly sent further messages to PC X, which were sexual in nature.

PC Woolley reported this to supervision.

15. PC Whitehouse saw that PC X was standing next to a tall table, steadying herself against it. PC Maggs was standing behind her with his hands on either side of her body, just below her waist. PC Whitehouse continued back to the group as PC Maggs moved away from PC X, returning to his chair. Being new to the shift, PC Whitehouse wondered whether something was going on between PC Maggs and PC X.

16. During the investigation, CCTV was obtained from Walkabout. Stills from the CCTV and a viewing log are within the bundle, and the Panel has considered these at length, as well as viewing the footage.

17. PC X accepts that she did have a broken sex toy but did not recall any conversation about this. She stated further that if she had said something about her broken sex toy that it would have been a throwaway remark.

Former PC Ellis recalls a jokey comment made by PC X about a vibrator but does not believe PC Maggs was there at the time.

D)Decision

The alleged touching

1. In respect of the alleged touching of PC X, the Panel is satisfied on the balance of probabilities that the officer placed his open hand on the left hip of PC X, before dragged his hand across her bottom, for the following reasons:

2. The Panel has viewed the CCTV footage carefully on several occasions and at different speeds. This is objective evidence and the Panel prefers it over the accounts of the various witnesses whose recollections may have been impacted by intoxication.

The CCTV is inconsistent with the Officer's assertions when giving evidence. He stated that he put his hands to the side of PC X with his palms open, so that she did not back into him. She was unsteady on her feet, although he agreed in evidence "not

massively wobbly” and the officer was recovering from a shoulder injury. He may have lightly touched her but is unsure if he made contact. He states that he came round the table to her as he wanted to speak to her to decline her invitation to stay on her couch that night. He denies touching her bottom.

In his Regulation 31 Response dated the 28th of January 2026, the Officer said that he touched her on the hip/lower back to steady her as she was pushing into him at times which was hurting his shoulder.

3. The Panel is satisfied that the CCTV clearly shows that when the officer removed his left hand from PC X's lower hip (his right hand is not clearly shown) and went to move away, he dragged his left open hand across her bottom from her left to her right.

4. The Panel finds the explanation provided by the officer inherently implausible given the CCTV footage.

The Panel also note that PC X stated during her evidence that, whilst under the influence of alcohol, she was not unsteady on her feet. Certainly, from the CCTV footage, she is standing resting against a tall table and does not appear to be in any difficulty.

5. The Panel has considered whether the contact with PC X's bottom was accidental or deliberate. The Panel has concluded that it was deliberate, unwanted and inappropriate for the following reasons:

-The officer had disengaged from PC X when he drew his hand across her body. His body was moving away from her, but his hand remained behind this movement and travelled across her bottom before he walked away. The Panel is satisfied that this was not an accidental movement. There was no one behind the officer at the time he subsequently dragged his hand across her bottom and nothing to prevent him from simply letting go of PC X's hip and moving back.

PC X herself remained still yet the Officer's hand remained in contact with her bottom after the remainder of his body had moved away.

-PC X made a disclosure to her colleagues that the officer had touched her bottom. Within approximately six minutes of the touching, she had her coat on and was leaving the venue, supporting her evidence that the officer's actions brought the evening to an end.

The abrupt ending to the evening is confirmed by the evidence of PC Maggs himself who states that he was left behind when his colleagues got their coats and suddenly went. It felt abrupt he says when people didn't say goodbye to him.

6. The Panel is further satisfied that the touching was sexual in nature. It was sexual due to the touching being to an intimate part of her body and due to it being a gratuitous action.

7. The fact that PC X's colleagues did not see the touching is not inconsistent with the touching having taken place, as the Panel has found from examination of the CCTV. The bar was dimly lit, and people were moving around and engaged in conversation and socialising. They had consumed alcohol to varying degrees. It is unsurprising that the dragging of PC Maggs' hand across PC X's bottom was missed.

8. It was further submitted on behalf of the officer that PC Woolley and potentially other colleagues had a negative, preconceived view of him due to gossip they had heard about the reason for his shift move. This in turn influenced their perception of what they saw.

The Panel's findings are based principally upon the CCTV footage, which provides contemporaneous and objective evidence of the incident. As such, it does not depend upon the perceptions or potential biases of witnesses and any pre-existing views of the officer have had little, if any bearing on the Panel's determination of the facts.

9. The Panel has again considered the Equality Act 2010 and whether or not the officer's behaviour amounts to sexual harassment, being unwanted conduct of a sexual nature which violated the dignity of PC X and/or created an intimidating, hostile, degrading, humiliating or offensive environment for her.

The Panel is entirely satisfied that the conduct did amount to sexual harassment for the following reasons: -

- Dragging a hand across a female colleague's bottom is inherently intimate and sexual. It was done without consent.

-The conduct had the effect of violating PC X' dignity. She states that the touching was "out of the blue" and that she was "surprised". During her evidence, PC X stated that she thought that she would be okay but that the incident upset her and made things uncomfortable and awkward at work.

The Panel considers it entirely reasonable for the conduct to have had this effect upon PC X as her bottom is an intimate part of her body and as she said during cross examination, she "did not have that sort of relationship with him". Also, she had never been touched on the bottom like that before.

-The Panel has considered the totality of the circumstances and the fact that PC X did not formally report the touching immediately but does not regard this as undermining her credibility. There is no prescribed or expected reaction to unwanted sexual touching, and individuals respond differently depending on the circumstances.

The incident occurred during a social evening amongst colleagues, and the Panel accepts that she may have wished to avoid confrontation. Accordingly, the timing of the complaint does not diminish the weight the Panel attaches to her evidence.

Accordingly, the Panel finds this part of the allegation in respect of PC X proven and are content that it amounts to harassment and sexual harassment.

The message

1. In respect of the message sent to PC X on the 30th of December 2024, the Panel was informed by Mr Reed of Counsel in closing on behalf of the AA that it was no longer alleged that the message amounted to the sexual harassment of PC X.

2. The officer replied to an Instagram story posted PC X by sending her a message stating, "Who needs a love life when there is love honey and Duracell lol. (Yes I am tipsy sorry)". He accepts ending the message.

In evidence, PC X stated that she believed that the officer's message was an attempt to be funny.

3. Panel is satisfied on the balance of probabilities that the message was inappropriate. The Panel has reached this conclusion because: -

--The officer accepts that he ought to have completely steered clear of any sort of communication with PC X via messaging as he had previously received guidance around messaging and understood what was expected of him.

Despite this, the Panel is satisfied to the appropriate standard that he engaged in similar behaviour towards PC X.

- Even if a conversation about a broken sex toy had taken place in the Officer's presence, which PC X accepts she had likely spoken about, it does not follow that she thereby invited or welcomed the subsequent private communication. There is a distinction between participating in social conversations on a group evening out and inviting private sexualised messages.

-The Officer also relies upon the fact that PC X linked arms with him during the evening and offered him her sofa if he was unable to get home. The Panel accepts that these matters form part of the overall context. However, they are more properly characterised as acts of friendship by PC X than evidence of romantic or sexual interest. They did not provide the Officer with a reasonable basis for believing that such a private message would be welcome.

- Accordingly, the Panel is satisfied that the "Love Honey and Duracell" message crossed professional boundaries.

4. The Panel is satisfied to the appropriate standard that the officer behaved in the manner alleged and that his conduct was disrespectful and offensive.

E) Decisions relating to the Standards

1. Alleged breach- Authority, Respect and Courtesy

On the balance of probabilities, the panel find that the officer has breached this standard.

He breached the Standard of Professional Behaviour concerning Authority, Respect and Courtesy in that his interactions with PC A and PC X breached the requirements of that Standard to act with self-control and treat colleagues with respect and courtesy because:

- a. His conduct towards PC A constituted sexual harassment.
- b. The sexualised messages towards both PC A and PC X were unwanted and inappropriate.
- c. He sexually touched PC X.

2. Alleged breach - Discreditable Conduct

On the balance of probabilities, the Panel find that the officer has breached this standard.

Members of the public would rightly expect police officers to demonstrate professionalism and respect towards colleagues, both on and off duty. Conduct involving repeated sexualised messages to one colleague, together with unwanted physical contact and inappropriate communications towards another, would seriously undermine public confidence in policing if known. Such behaviour is liable to bring both the Officer and Staffordshire Police into disrepute.

10) Decision on Misconduct or Gross Misconduct

a. Having found breaches of the Standards in relation to Authority, Respect and Courtesy and Discreditable Conduct, the Panel has carefully considered whether the behaviour amounts to misconduct, gross misconduct or neither. We have again reminded ourselves of the full circumstances of this case.

Gross misconduct means a breach of the standards of professional behaviour which is so serious as to justify dismissal. Misconduct means a breach of the standards of professional behaviour that is so serious as to justify disciplinary action.

We have asked ourselves whether the breaches are so serious as to justify disciplinary action (or dismissal if gross misconduct). The assessment of seriousness includes considering the officer's culpability for the misconduct, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigating factors.

b. The Panel is entirely satisfied that the officer's behaviour amounts to Gross Misconduct.

For the avoidance of doubt, the following factors are present: -

- The behaviour was not an isolated lapse in judgment but involved repeated acts directed towards two separate colleagues. The conduct represented a serious departure from the Standards of Professional Behaviour and is incompatible with the high standards expected of police officers.

-Chief Inspector Neeson on Friday 4th October 2024 warned PC Maggs about inappropriate messaging and crossing boundaries.

This provided the Officer with a clear opportunity to reflect upon his behaviour and the fact that he nevertheless engaged in similar conduct shortly afterwards towards PC X is an aggravating factor.

-He was aware that such behaviour was inappropriate yet failed to modify his behaviour as a result. PC Maggs stated in a message to PC A “I looked at the line and I said well fuck it why not jump straight in”.

- In respect of PC X, the Panel is satisfied that he dragged his left hand across her bottom from her left hand and that his conduct amounted to sexual harassment. In making this decision, the Panel has taken into account the perception of the officer, the other circumstances of the case and whether it was reasonable for the conduct to have the effect that it did.

Sexual harassment in policing is inherently severe due to its effect on colleagues, the professional environment, and public trust.

-The Panel has considered the risk of wider reputational harm to the police service. The Panel is satisfied that the officer's actions have the potential to damage public confidence in the legitimacy of policing to a greater extent. This is also precisely the type of behaviour that is not acceptable if women are going to be recruited into policing and be comfortable once in post.

The public can rightly expect to trust the police. The Panel has considered the question of what the public may think of the evidenced behaviours as, when the behaviours of the police damage the confidence of the public in them, trust is betrayed, which can have a devastating impact on victims and their confidence in the police.

Sexualised misconduct between officers, especially unwanted behaviour, directly undermines public trust. The Panel considers that behaviour of this nature, particularly where it is repeated or unwanted, is fundamentally inconsistent with the standards expected of a police officer.

11) In conclusion, the Panel is satisfied that each of the breaches of the Professional Standards in relation to Authority and Respect and Courtesy and Discreditable Conduct individually and/or collectively amount to Gross Misconduct.

Stuart Ellison, Chair/former ACC
Margaret Jolley/IPM
Laeq Beg/IPM

10th July 2026