

THE POLICE (CONDUCT) REGULATIONS 2012

PS 1056 RICKI VAUGHAN

PANEL DECISION ON OUTCOME

Introduction

1. This is the resumed misconduct hearing for the outcome stage in the matter of proceedings against PS Vaughan following our decision on Facts and Conduct (the “Decision”¹). The same restrictions and ciphers as have been employed throughout this hearing are retained for this stage and any reporting of it.
2. The Panel’s task at this stage is to decide on the appropriate sanction in the light of our findings that PS Vaughan’s conduct amounted to gross misconduct in respect of our cumulative assessment of the charges against him that we found made out. Our consideration as to outcome should be viewed in the context of the Decision, to which we refer.
3. The Panel has a formal record of PS Vaughan’s service as a police officer and personal mitigation in the form of character statements in support of PS Vaughan. We have also revisited the materials from all stages of the hearing to date.
4. There are multiple allegations in this matter and the Police (Conduct) Regulations 2012 allows us to take these together and treat them as a single allegation for the purposes of our decision making², and we have approached matters in this way in reaching our conclusion as to our finding of gross misconduct in this case
5. In determining the appropriate outcome in relation to each of the proven allegations the Panel has had regard to the College of Policing’s Guidance on Outcomes in Police

¹ Save where otherwise indicated any abbreviations adopted in the Decision are also adopted in this decision on outcome.

² Reg 5(7)

Misconduct Proceedings (the “Guidance”), albeit bearing in mind that it is guidance only and ultimately it is for the Panel to determine the appropriate outcome. We have also reminded ourselves that simply because we have determined that the Officer’s breaches of the Standards of Professional Behaviour are, cumulatively, so serious that dismissal would be justified, it does not automatically follow that he must be dismissed.

6. Instead, we have followed the stages imposed by the Guidance³, which we summarise here at a high level as being: conducting an assessment of the seriousness of the misconduct; keeping in mind the purpose of imposing the sanctions; and choosing the sanction which most appropriately fulfils the purpose of imposing sanctions by starting with consideration of the least serious outcome first and progressing in seriousness until arriving at the appropriate outcome (para 2.11 of the Guidance). In following these stages we have also taken into account personal mitigation and had in mind, at all times, the need for proportionality, weighing the interests of the public with those of PS Vaughan.

Purpose of imposing sanctions

7. In conducting the assessment of seriousness, which follows, the Panel kept in mind at all times the threefold purpose of imposing sanctions, namely: (a) maintenance of public confidence in and the reputation of the police service; (b) upholding high standards in policing and deterring misconduct; (c) protection of the public. Of these, the maintenance of public confidence in and the reputation of the police service is paramount.
8. The focus on the reputation of the police service emphasises that the purpose of sanctions is not to punish the officer, although the Panel recognises that the outcome may have a punitive effect and has therefore, throughout its deliberations and decision-making, borne in mind the importance of proportionality and the direction in the Guidance to impose the least severe outcome to deal adequately with the issues identified whilst protecting the public interest.
9. The Panel has had regard to these principles throughout our decision-making.

³ Para 4.2 Guidance

Assessing seriousness

10. In assessing the seriousness of PS Vaughan's conduct the Panel has followed the staged approach set out in paragraph 4.4 of the Guidance, namely considering culpability; harm; aggravating factors and mitigating factors (excluding personal mitigation which is considered separately later) in stages, noting any overlaps and avoiding, as far as possible, any double counting.

Culpability:

11. The Panel first assessed PS Vaughan's responsibility for his actions. In only two respects were there any bases for concluding that PS Vaughan was other than wholly responsible for his actions.

- 11.1. The first was in respect of the work-based exchanges with PC A (mimicking of PC A's Irish accent and reference to the Irish rugby team as "Paddies"), in respect of which the Panel noted our conclusions that PS Vaughan had breached the standards of Authority, Respect and Courtesy, Equality and Diversity, Orders and Instructions and Discreditable Conduct, in spite of accepting that there was some element of reciprocation and office banter around these exchanges;

- 11.2. The other was in respect of the charge that PS Vaughan responded disparagingly to PC Houghton across the public space of the CSU office in respect of her enquiry about her WLB application. In respect of this charge we note that PS Vaughan responded to words spoken in a public setting by PC Houghton rather than himself choosing to initiate the discussion, or to do so in a public place;

- 11.3. For clarity, the Panel considered whether PS Vaughan's response to Ms E reaching out to date him, which the Panel accepts was not initiated by PS Vaughan, was also less blameworthy in terms of his responsibility to any degree, but found that it was not given that there is a clear requirement in the BCH Abuse of Authority for Sexual and Emotional Gain and Sexual Harassment in the Workplace policy (the "Sexual and Emotional Gain Policy") to politely decline any such advances, as a result

of which the Panel ascribes the relevant decision making to act on the approaches of Ms E as entirely down to PS Vaughan.

12. The Panel considered that the aforementioned points diminished PS Vaughan's blameworthiness for his actions in respect of the conduct we have found proven to only a very small degree. We also considered that these were relatively minor exceptions to our overall conclusion that his conduct in respect of all of the other matters we have found proven was entirely of his own making and for which he bore full responsibility.
13. We noted that some (although not all) of the charges made out involved actions that were intentional, deliberate or planned. In particular PS Vaughan's messages to Ms C, which the Panel has found were sent with an ulterior motive of sounding out MS C for a possible sexual encounter under the guise of discussing a job opportunity with her. Although the Panel accepts that the initial contact between PS Vaughan and Ms C on 23 October 2019 at the White Hart pub was by chance, and that the discussion about work experience and policing work was initiated by Ms C herself, PS Vaughan's messages to PC A reveal that by the time he returned home he had formed a planned approach to contacting Ms C by capitalising on this contact. This involved coercing PC A to provide his phone number to Ms C and exploring contact with her regarding arrangement of a meeting to talk about a policing support role. The Panel also noted that there was similar targeting of Ms D in his email contact with her where he sought to "sound her out" using hooks to assess her interest in flirting with him. These matters make his conduct more culpable.
14. The Panel viewed the fact of PS Vaughan's rank as sergeant and his leadership role to be relevant to its assessment of his culpability. As with other areas of our assessments, the relevance plays out more in relation to some of the established charges than to others. In particular, for example, the Panel found it to be of relevance in relation to the charge relating to PS Vaughan's texting PC A an offer of a half day off work in return for passing his phone number to Ms C. In particular the fact the Panel concluded that he used his rank because he had the ability to offer a half day off, to PC A and the abused this by doing so as a bribe, noting the oppressive nature of the associated messages (for example "...Do the right thing...Or I will tell your wife your texting an 18year old...").PS Vaughan's rank increased his culpability in respect of these matters, in the Panel's view.

15. Similarly, in respect of his contact with Ms C, who was turning to him for assistance with work experience and information about moving into policing, PS Vaughan held, in the Panel's view, a position of trust and a role with potential access to career development for her and this increases his culpability in respect of his conduct.
16. The Panel notes that the Guidance states that certain types of misconduct should be considered to be especially serious and identifies, amongst other matters, sexual impropriety, breach of position of trust or authority and discrimination amongst that type of conduct.
17. As to sexual impropriety, the lewd messages to PC A revealing PS Vaughan's ulterior sexual motive as regards Ms C, and his conduct in contacting her for this purpose under the guise of discussing work experience (as to which the paragraph notes his role of trust as above), plainly reveal sexual impropriety. The element of planning and intention considered above, and the concealment of his sexual motives from Ms C, also, in the Panel's view, demonstrates a predatory element to these exchanges. Paragraph 4.39 of the Guidance the Panel states that "*Misconduct involving...sexual impropriety undermines public trust in the profession and is therefore serious.*" Paragraph 4.40 states "*More serious action is likely to be appropriate where the officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or inappropriate emotional relationship with a...member of the public.*"
18. As to breach of position of trust or authority, the Panel considered that this only related to PS Vaughan's contact with Ms C, but that his contact in that regard classically fitted the description of abuse set out in paragraph 4.42 of the Guidance, and was made more serious still by the fact that PS Vaughan was in a position to assist Ms C with her potential career change into police work. (For the avoidance of doubt, the Panel did not consider Ms C to be especially vulnerable by reason of her age.)
19. As to discrimination, the Panel notes that this was present in what it has found to be PS Vaughan's inappropriate language and behaviour directed towards to PC A's Irish heritage. However paragraph 4.53 of the Guidance states that "*Cases where discrimination is conscious or deliberate will be particularly serious...*" and the Panel notes that in this case PS Vaughan's behaviour towards PC A was not deliberately or

consciously discriminatory given the context we have found in relation to the relevant charges.

20. For the foregoing reasons the Panel concludes that the Officer was highly culpable by reason of the matters considered above.

Harm:

21. In the Panel's assessment, PS Vaughan's conduct has the potential to cause reputational harm to the police service in a number of ways. In this regard the Panel had regard to the Guidance in relation to harm at paragraph 4.57 and noted the following:

“Effect on the police service and/or public confidence

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 which would harm public confidence if the circumstances were known to the public, take this into account...”

22. Accordingly in assessing harm the Panel has taken into account the fact that, although the circumstances of the matters we have found are not widely known to the public, the Panel considers that serious risks of mistrust and undermining of confidence in the police service's approach to women could have resulted if they had been known (and here the Panel also refers to paragraph 4.59 of the Guidance.)

23. In the Panel's view the elements of PS Vaughan's conduct that are particularly likely to result in harm to public confidence if they were more widely publicised are the following:

- 23.1. The sexual content of messages exchanged with PC A regarding Ms C, and the fact of PS Vaughan's early stage attempt to establish a sexual relationship with Ms C under the guise of discussions about a change of career to police work. These are matters which, in the Panel's view, would be deplored by members of the public, had the potential to open the police service to mockery and to be undermining of public confidence (and the Panel here notes paragraph 4.60 of the Guidance);

23.2. The relationships with Ms C, D, E and F formed, or attempted to be formed, through PS Vaughan's work as a police officer would also, in the Panel's view, be matters which have the potential to seriously undermine public confidence in policing. In particular this is seen in the potential for conflicts of interest in the relationship with Ms E where PS Vaughan was the licensing officer responsible for licensing the premises she managed; the potential for influence PS Vaughan had as regards Ms C's interest in undertaking police work; and the vulnerabilities exposed by the potential for exertion of control and lack of independence in the relationships with Ms D and Ms F as representatives of partner agencies involved in operational decision making;

23.3. The Panel also considered that there is the potential for serious reputational harm to the police in PS Vaughan's conduct of offering PC A a half day off work in return for providing his number to Ms C and the related coercive elements of the messages relating to informing PC A's wife. The offer of time off would, in the Panel's view, be seen as a bribe to facilitate PS Vaughan furthering his sexual ambitions with Ms C. It would be perceived by the public as wholly contrary to the ethos of "*Doing the right thing in the right way*", which is a bedrock of policing principles and public expectation, as set out in the Code of Ethics;

23.4. The Panel also considered that PS Vaughan's behaviour in watching and commenting on the appearance and attractiveness of female officers would be regarded in a similar way by the public, were it to be known. In particular, PS Vaughan is a sergeant with responsibility for more junior staff in his unit and a position as a role model. This behaviour, whatever the intentions behind it, is denigrating to women by its objectification of them and is precisely the type of behaviour PS Vaughan ought to be actively discouraging and educating against. The fact that his own behaviour set such a poor example is a matter the Panel finds has the potential for serious harm in the public perception of policing.

24. Having regard to the foregoing matters, and in particular with regard to the potential impact of the misconduct on the standing and reputation of the police as a whole⁴, the Panel assesses the harm occasioned by the misconduct as serious.

⁴ Paragraph 4.65 Guidance

Aggravating factors:

25. In assessing these factors the Panel has taken care to avoid double counting where possible. For example in relation to malign intent relating to sexual gratification, where that was already embodied in the framing of the charge, as was the abuse of his role as police officer in relation to the relationships with Ms C, D, E and F. The Panel concluded that these should not be double counted and accordingly these were not treated by the Panel as aggravating features in this case.
26. Bearing this in mind, of the factors identified in the Guidance as worsening the circumstances of the case⁵, the Panel considers that the following are present:
- 26.1. *Premeditation, planning and taking deliberate steps*: although PS Vaughan’s encounter with Ms C at the White Hart pub on 23 October 2019 was unplanned, the Panel’s view is that the exchange of messages with PC A reveal planning and premeditation as regards his subsequent contact with MS C and that he took deliberate steps in order to initiate contact between them. The reference to “I’ll do the rest” in the context of the overtly sexual interest PS Vaughan expresses in his exchange with PC A indicates to the Panel that he had formed a plan to work towards his sexual objective with Ms C. The Panel accordingly considered that this factor is present here;
- 26.2. The Panel also noted the unsolicited email exchanges with Ms D following seeing her at a partner agency meeting. PS Vaughan’s evidence as to the trajectory of their email exchanges indicates that he had targeted Ms D and took deliberate steps (“hooks”) to encourage flirting between them;
- 26.3. *Abuse of trust, position and authority*: The Panel considered that both of PS Vaughan’s exchanges with Ms Haughton regarding her WLB application which we have found to have been in breach of standards are matters where the officer abused his authority as sergeant by indulging in rudeness and failing to address proper

⁵ Para 4.67 Guidance

issues of pressing concern to PC Haughton. The Panel considers that these features aggravate the seriousness of the conduct we are considering;

- 26.4. Repeated and sustained behaviour over a period of time and continuing the behaviour after the officer realised or should have realised that it was improper: the Panel considered that this factor was present in particular in relation to PS Vaughan's forming or attempting to form relationships through work as a police officer, which took place on four occasions. Although he professed ignorance of breaches of relevant BCH codes connected with these relationships and indeed denial of any problematic element to the relationships, these were matters that the Panel considered he ought to have been aware of and ought to have led him to conclude that the relationships were improper;
- 26.5. In the same vein, the Panel's finding that PS Vaughan's watching and commenting on women occurred on a daily basis aggravates, in the Panel's view, the seriousness of the conduct before it;
- 26.6. Unlawful discrimination: the Panel has found that PS Vaughan's mimicking PC A's Irish accent and reference to the Irish rugby team as "Paddies" was unlawful discrimination on the grounds of race;
- 26.7. Significant deviation from instructions, whether an order, force policy or national guidance: The Panel finds that this factor is present, noting its findings in this regard in respect of PS Vaughan's relationships with Ms C, D, E and F and his breach of the BCH Sexual and Emotional Gain Policy, and in respect of his interactions with PC A which we have found to be in breach of the BCH Bullying Policy;
- 26.8. Multiple proven allegations and breaches of the Standards of Professional Behaviour: over the course of the hearing, sixteen charges have been successfully made out and breaches of the Standards of Professional Behaviour established.

Mitigating factors

27. The Panel has considered matters which have the character of offence mitigation by reference, in particular, to paragraphs 4.70-4.72 of the Guidance. The Panel identified that there was one factor relevant to mitigation of the culpability of PS Vaughan, which was the evidence the Panel has seen and accepted of PS Vaughan suffering from depression and experiencing significant stress which also manifested in some physical stress-related symptoms.
28. This factor in the Panel's view, contributed to an element of disturbance which may have affected PS Vaughan's judgment in relation to the matters found in respect of his conduct in the workplace. In particular, the Panel concludes, in the way he handled his interactions with PC Haughton, which show evidence of immaturity which is not apparent in evidence we have seen of other areas of his management interaction (for example with Claire Morris who also made a WLB application.)
29. The Panel has also been urged by Counsel for PS Vaughan to consider the areas of positive findings we made in our Decision regarding PS Vaughan's sensitivity and good management of others, including Claire Morris, as well as the evidence of CI Tannis Perks who endorses his skills and speaks well of him in relation to his execution of work. Mr Lewis submits that the Panel should properly consider this in relation to an overall balancing factor in our evaluation of the seriousness of conduct rather than simply than adding it in at the end of the process in conjunction with character evidence. The Panel considers that there is force in this. We have therefore reviewed, and considered again in this context, our findings and observations about PS Vaughan's skilful and effective management in successfully "bringing on" PC A, his noted sensitivity and good management of Claire Morris in relation to a number of complex and potentially difficult management points and to the positive way in which he was regarded by CI Perks.
30. Weighing the above matters together the Panel concludes that although there is some offence mitigation in this case, it is of limited effect when properly contextualised.

Personal mitigation

31. As regards PS Vaughan's personal mitigation, while it must be taken into account after assessing the seriousness of his conduct, the Panel accepts the AA's submissions that the weight to be attached to it is limited (and the Panel notes the effects of the decisions in *Salter*⁶ in this regard.)

32. Within the constraints of the decisions in *Salter*, the Panel has taken note of the following matters of personal mitigation, drawn from the closing submissions produced by PS Vaughan's counsel and from the clip of character references that was handed up to the Panel at the hearing:
 - 32.1. The Panel noted that these all showed PS Vaughan in a positive light and that they showed evidence that supported a view that PS Vaughan was open minded and not biased or racist in his views;

 - 32.2. The references all support a view of PS Vaughan as a hard working, well-organised officer;

 - 32.3. The Panel particularly noted the fulsome and detailed references from:
 - 32.3.1. PC Shazia Malik, who explained her own high standards and especial attention to attitudes of discrimination, misogyny, lewdness and her willingness to blow the whistle where she found evidence of these, and that she had not found any such attitudes manifested in PS Vaughan during her working relationship with him; and

 - 32.3.2. Michael Keane, who is of Irish heritage and explained discriminatory treatment based on that characteristic, which he had found to meet with unprogressive attitudes at the time he experienced it, but not from PS Vaughan who had provided strong and no-judgmental support to Mr Keane.

⁶ Burnett J in *Salter* [2011] EWHC 3366 (Admin) at 24(ii) and 30 (approved in the Court of Appeal) and Maurice Kay LJ in *Salter* [2013] EWCA Civ 1047 at [23].

33. The foregoing matters have been taken into account by the Panel in the manner and to the degree permitted.

Conclusion

34. Having performed the above exercise in respect of assessment of seriousness and evaluation of personal mitigation, the Panel, in accordance with paragraph 2.11 of the Guidance, has considered the available outcomes starting with the least severe. (We have borne in mind at all times the purpose of imposing the sanctions.)
35. The Panel was in no doubt that Management Advice or a Written Warning would have failed to adequately deal with the seriousness of PS Vaughan's conduct. The Panel also noted the absence of any evidence of genuine remorse, insight or acceptance of responsibility for his actions. Although on a number of occasions throughout his evidence he expressed regret or acknowledgement that behaviour had been inappropriate (for example in relation to the messages to PC A concerning Ms C, PS Vaughan indicated his regret, appreciation that these were disrespectful and that he was sorry), the Panel did not see any evidence of genuine reflection or humility on PS Vaughan's part. We noted the lack of insight on PS Vaughan's part as to his breaches, which had continued even when pressed under cross examination (for example in relation to his contact with Ms D where he said "*I didn't consider the potential for conflict*" and "*No. I don't think I've done anything wrong*"). We concluded that these sanctions did not reflect the level of seriousness of the conduct we have found proven or the lack of reflection, remorse and insight on PS Vaughan's part.
36. We then turned to consider whether this is a case where the appropriate disciplinary action would have been a Final Written Warning.
37. The Panel again noted the points above regarding lack of insight and reflection. We were also concerned by the evidence we have seen of PS Vaughan's attitude to previous internal management he has been given (namely the action plan in 2017 and the management action in 2018 and 2019). As set out in our Decision, PS Vaughan's attitude to these matters in his oral evidence was to minimise and dismiss their importance and indeed their effect. He showed no real contrition for the matters underlying those and no

sense of having been chastised by them and taking them as a learning opportunity. As such the Panel has no confidence that PS Vaughan will have learnt from the experience of these disciplinary proceedings and, therefore, would not repeat his misconduct in the event that he was to be given an opportunity to resume his duties.

38. Furthermore, having regard to the nature of the charges the Panel has found proved, most especially those in relation to his messages concerning Ms C, a conclusion that he be allowed to remain in office would, in the Panel's view, undermine the trust and confidence in the Force. Not only would it be regarded as setting a bad example, it would be regarded as condoning the officer's misconduct.
39. The Panel goes back to paragraph 4.65 of the Guidance which states: "*Where gross misconduct has been found...and the behaviour caused or could have caused serious harm to....public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.*"
40. We also turn to the emphases laid, in *Salter and Williams*, on the fact that "*A police misconduct panel considering what sanction to impose following a finding of gross misconduct must...always have in mind the importance of the public interest in maintaining public confidence in and respect for the police service*"⁷.
41. This is a case where PS Vaughan has, amongst much else we have found proven, made offensive, lewd and degrading remarks about a member of the public in circumstances where she was looking to him as a potential access point for a career change into policing work. The maintenance of public confidence and respect relies on self-awareness and sound judgment on the part of police officers and, fundamentally, on their "doing the right thing in the right way" per the Code of Ethics. The public can have no confidence in an organisation that would ignore these problems and retain the services of such an officer.

⁷ *The Queen (on the application of Williams) v PAT (Commissioner of the Metropolis – Interested Party)* [2016] EWHC 2709 (QB) per Holroyde J

42. In all the circumstances, the Panel has determined that a Final Written warning would not be appropriate and therefore the only reasonable, proportionate and appropriate disciplinary action in this case is that PS Vaughan be dismissed without notice in respect of each of the charges we have found proven and have considered cumulatively under regulation 5(7).

Lyndsey de Mestre QC

Richard Gutowski

Superintendent Paul Sandwell

21 September 2021