

IN THE MATTER OF A POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020

WILTSHIRE POLICE

Appropriate Authority (AA)

v.

POLICE CONSTABLE 1903 STEPHEN YEATES

Police Officer

DECISION

Panel Chair: ACC Deborah Smith

Independent Panel Members: Mr Bryan McAlley and Ms Adrienne Lintzgy

Legally Qualified Person: Mr Mark Ruffell (Barrister)

Observer: Ms Liz Richards (Independent Panel Member in training)

Parties present: Miss Victoria von Wachter (for Appropriate Authority)

Hearing held: The hearing took place from Tuesday 3 September 2024 to Wednesday 4 September 2024 at Wiltshire Police Headquarters in Devizes.

Decision: Allegations 1, 2, 3, 4, 5i, 5ii, 5iii, 6, 7, 8, 9, 11 (part proved), 12, 14, 15, 16, 17, 19, 20, 22 (part proved), 23 and 24 proved; allegations 10, 13 and 18, 21 not proved; breach of the Standards of 'Authority, respect and courtesy' and 'Equality and diversity'

and his behaviour amounted to Discreditable Conduct. Gross Misconduct proved. Outcome: 'Had he remained a serving Police Officer then he would have been dismissed.'

Introduction:

1. The Panel had been provided in advance of the hearing with a bundle from the AA (pages 1-88) and 3 videoclips. In addition, 5 pages were added to the bundle relating to a Misconduct Meeting that was held on 24 January 2023. At the outcome stage, the Panel were provided with a copy of PC Yeates' staff service record.

Preliminary Matters:

2. PC Yeates did not attend the hearing and was not represented. Ms von Wachter on behalf of the AA, submitted that PC Yeates had received appropriate notice of the hearing, and she applied for the hearing to proceed in his absence. PC Yeates had been aware of the proceedings as he had previously been represented by the Police Federation. At a Preliminary Hearing held on Monday 5 August 2023, PC Yeates had been represented by Mr Philip Matthews-Dawson who had informed the Hearing that PC Yeates did not intend to attend on 3 September 2024. His Police Federation representative had subsequently informed the AA on 28 August 2024 that he had received no instructions from PC Yeates and he was not intending to attend the hearing, and from the contact that he had received from PC Yeates, they understood that he would not be attending the hearing.
3. The Panel accepted the advice of the LQP. The Panel considered that given his Regulation 31 response and his communications with his Police Federation representative, PC Yeates had been given appropriate notice of the proceedings and of the evidence that would be called. The Panel had regard to the decision of R. v. Jones (Anthony William) [2003] 1 AC 1 and the factors set out by Lord Bingham and that it should proceed with the utmost care and caution before deciding to proceed in the absence of PC Yeates. PC Yeates had made it clear that he was not going to attend, he had not requested an adjournment, and the case was ready to proceed. The Panel determined that PC Yeates knew about the hearing and had voluntarily chosen not to attend. Accordingly, the Panel considered that it was appropriate to proceed in his absence.

4. Ms von Wachter applied to remove pages 53-59 from the bundle and to add details of the Misconduct Meeting held on 24 January 2023. The Panel accepted the advice of the LQP. The Panel noted that at the Preliminary Hearing on 3 August 2024, the Chair had determined that matters raised at pages 53-59 were of no evidential value and it was accepted that they should not be part of the bundle. At the same hearing, it was agreed that the evidence regarding the Misconduct Meeting on 24 January 2023 would be part of the bundle. Accordingly, the Panel considered that PC Yeates would have been aware that the AA were relying on the evidence of the Misconduct Meeting on 24 January 2023 and that it was fair to admit it into evidence.
5. Miss von Wachter applied to amend Allegation 1 to remove the words 'are and' as PC Yeates was no longer a serving Police Officer. She applied to amend typographical errors in Allegations 9, 18 and 22 and to anonymise the name in Allegation 21i. The Panel allowed the amendments to be made.

The Allegations:

6. It is alleged that your conduct fell below the Standards of Professional Behaviour, in that:
 1. You were at the material time a serving constable with the Wiltshire Constabulary.
 2. Whilst in the role of a constable you have behaved repeatedly in an inappropriate manner contrary to the standards of professional behaviour in so far as you did/said as follows:
 3. In late February 2024 you engaged with Witness A through a mobile dating App. In initial messaging you informed her that you were a police officer posted at Chippenham and disclosed your shoulder number and your home address. Witness A said that she felt reassured by your police status.
 4. Witness A stated that she would not welcome sexually charged communications and you agreed to this.
 5. You sent Witness A a number of video clips as follows:
 - i. A purportedly humorous video involving a deaf person being unable to differentiate between the term 'death threats' and 'deaf threats'. Witness A found this offensive being partially deaf herself.
 - ii. A video tour of your house
 - iii. A video clip explaining the parts of your police utility belt as well as your handcuffs stating that 'These are the bad boys and you don't ever want to

wear them, and no matter what you say I will never put them on you, cos I don't want to, even if you beg me.'

6. You further sent photographs of you in uniform and lying in bed wearing a dressing gown.
7. On 24 February 2024, you met up with Witness A at the Blunsdon House Hotel. Whilst there you made a number of inappropriate sexualised comments and uninvited and unexpectedly kissed Witness A, splitting her lip in the process.
8. Later on and in a public space you told Witness A that you were '*horny*' and that you had a '*semi*' (semi erect penis) which caused her embarrassment and concern.
9. On the evening of 24 February 2024, you again told Witness A that you were horny using an accusatory tone which made her feel responsible despite she having stated that she did not wish for sexualised communications.
10. You persuaded Witness A to give you her home address despite that she felt uncomfortable doing so.
11. On 25 February you attended at Witness A's home address and the two of you went for a walk around the town. Uninvited and unannounced you told passers by that Witness A was your girlfriend, tried to hold her hand despite that she told you she did not wish to. You used manipulative language in an attempt to coerce her into behaving as you wanted.
12. Despite that Witness A had told you that you should not kiss her you did so when walking through a kissing gate.
13. You used coercive language to induce Witness A to divulge details about her personal history.
14. On your return home you messaged Witness A telling her that you had a wet patch in your pants which made her feel uncomfortable. You went to suggest that you and Witness A could engage in '*Half naked bed cuddles*' which you claimed were '*not sex but another level of intimacy.*'
15. Witness A messaged you to tell you that she no longer wished to see you and you responded stating that you knew what she was looking for and that she shouldn't discount you.
16. The following morning you messaged Witness A addressing her as '*Babes*' and then asking her to let you know when her lip was healed so that you could split it again.
17. Witness A then blocked you on the dating website and deleted communication and your number from her mobile.

18. In the circumstances it is contended that your actions and communications breached the following standards of professional behaviour
19. Authority Respect and Courtesy in that your behaviour and comments described in paragraphs 5iii, 7, 8, 11, 12, 13, 16 amounted to:
 - i. A failure to appreciate and respond appropriately to requests made by Witness A concerning the basis for your relationship.
20. Authority Respect and Courtesy in that your behaviour and comments described in 5iii, 6, 7, 8, 12, 14, 16 amounted to:
 - i. Engaging in unwanted conduct / communication of a sexual nature
21. Authority Respect and Courtesy in that your behaviour and comments described in paragraphs 10, 11, 13 amounted to:
 - i. The use of coercive language and / or behaviour to exert control over Witness A
22. Equality and Diversity in that your comments as described in paragraph 5i amount to:
 - i. Discriminatory behaviour related to disabled persons
 - ii. Words / images which had the purpose or effect of violating the dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment in relation to disabled persons in general and Witness A in particular
23. Equality and Diversity in that your comments as described in paragraphs 5iii, 6-9, 11, 12, 14, 16 amounted to:
 - i. Unwanted and uninvited words and behaviour of a sexual nature
 - ii. Words and conduct which had the purpose or effect of violating the dignity or creating a hostile, degrading, humiliating or offensive environment for Witness A.
24. All of the above amounting to Discreditable Conduct likely to harm the reputation of Wiltshire Constabulary and the police service in general as well as undermining public confidence in the policing. As a result of that stated herein, if proved, your conduct and words amount to gross misconduct.

Background to the allegations:

7. In February 2024, Wiltshire Police had contact with Witness A about an unrelated matter. During the conversation she stated that she had some concerning interactions with a serving

Wiltshire Police Officer, PC Stephen Yeates. The matter was referred to the Counter Corruption Unit (CCU) who then investigated the matter. Witness A used a mobile telephone dating app named 'Hinge' and had a profile. Her profile was 'liked' by a male named 'Steve' (PC Yeates). After some initial messaging, where PC Yeates informed Witness A that he was a Police Officer and she made it clear that she would not be comfortable with 'sex talk' in the messages. PC Yeates sent a short video clip, which shows a conversation between two people, one asking the other if they subject to 'death threats' and attempts to make humour out of person with a speech impediment making 'deaf threats' to him. Witness A found this offensive although she did not think that PC Yeates was aware of her hearing impairment at that time. In their communication, PC Yeates sent a videoclip of his house and his Police utility belt. He made comments relating to her not wearing the handcuffs. He sent pictures of himself in uniform and sitting on his bed wearing a dressing gown. They agreed to meet, and Witness A alleged that PC Yeates made suggestive and sexualised comments to her which she did not wish to receive. He unexpectedly kissed her and her lip split because of previous sunburn. After they had met, he sent a message saying that he was 'horny' despite her not giving him any encouragement. They met the next day after she felt pressured into providing her home address. They went for a walk and PC Yeates told a member of the public that Witness A was his girlfriend. He kissed her at a kissing gate. She explained that her reticence was because she had previously been sexually assaulted. Later after he had gone, he sent more messages that suggested that they engage in some form of 'bed cuddles,' and there followed further messages between them. She then ended contact with PC Yeates. In summary, Witness A thought that PC Yeates had acted in a pushy and manipulative manner as he wanted to progress things quicker than she wanted.

8. PC Yeates was interviewed. He explained that he was divorced having separated from his wife 8 years ago. He had then had a 7-year relationship but that ended when he asked his then partner to marry him. His children were in their teens and he wanted a relationship. His profile on Hinge was that he was a Police Officer. He had since deleted his account. He first messaged her when she was on holiday. She discovered his YouTube account and sent him a video. He sent the deaf threat video in response. This was after they had been messaging for 4 days. She had responded after the video that she was hard of hearing but had found it funny. He had apologised to her. In the course of their messaging, he had sent videos of him and his home as he *'wanted to show that he wasn't a crazy psycho or had*

multiple women on the go and that he could be trusted.’ He explained that Witness A had asked about the make of the handcuffs and she initiated the discussion about the handcuffs. He pointed out that Witness A agreed to meet in person, which indicated that she was not upset by any of their previous messaging or videos. He explained that they naturally talked about dating apps and meeting people. They had kissed and then communicated afterwards. They met at her home address and went for a walk. She did not want to hold hands due to her previous experiences. He denied referring to Witness A as his girlfriend. He remarked that Witness A used a false name on Hinge and when he realised that she had not been truthful about her name, this had upset him. He messaged her that evening, but she did not respond and after this he realised that they were ‘on different pages.’

Previous matters:

9. On 24 January 2023, PC Yeates was subject to a Misconduct Meeting which found that between December 2021 and July 2022, he had engaged in an unwarranted course of conduct towards a female officer which included the sending of inappropriate communications whilst on duty and that he had made unwanted physical contact with the officer within the workplace. He was made subject to a Final Written Warning that would last for 24 months and any future finding of misconduct during that period could result in his dismissal.

Regulation 31 response:

10. In his Regulation 31 response, PC Yeates set out his response to each of the Allegations:
 1. No challenge
 2. Denied. *‘These matters are restricted to off duty matters with a willing participant from a dating site.’*
 3. Accepted but could not comment on how Witness A felt.
 4. Accepted
 5.
 - i. Accepted. PC Yeates was unaware of Witness A’s hearing disability prior to sending and apologised when made aware afterwards.
 - ii. Accepted. PC Yeates was aware of the concerns that Witness A had in meeting new people and the videos were only intended to reassure.

- iii. Accepted. Witness A made comments about the handcuffs and his comments were in response to them.
6. Accepted, but this was only an attempt to reassure Witness A.
 7. Accepted that they met. Allegation is unclear as to what is being asserted by Witness A so cannot respond in detail. Kissing took place on sofa briefly where it was mutual and then a kiss in the carpark to say goodbye which was again mutual.
 8. He could not recall making the comment, but if it was made no one else was present and Witness A showed no signs of embarrassment, concern or objection.
 9. This was a text message made as a comment on the date.
 10. He does not recall who suggested a second date, but Witness A suggested that it was at her address. He denied persuading Witness A to see him again.
 11. They went for a walk and Witness A spoke to a friend for a time. At no time did he refer to Witness A as his girlfriend.
 12. He asked Witness A after she had been through the gate and to kiss him and she did come back, and they kissed.
 13. The complaint does not reveal what language was used and it is denied what was said was coercive.
 14. Agreed.
 15. No challenge.
 16. Agreed but meant as humour and not to upset.
 17. Agreed
 18. Denied
 19. Denied
 20. Denied
 21. Denied
 22. Denied
 23. Denied
 24. Denied

Evidence:

11. The Panel heard from Witness A. She adopted her witness statement dated 4 April 2024. She explained that she had used her middle name on Hinge as she had reasons for not wishing to reveal her true identity to others from her past. She stated that she always revealed her actual first name to those that she met. Witness A explained that she became

aware that PC Yeates was a Police Officer soon after she had been in contact with him and she considered that it meant that he could be trusted. She stated that PC Yeates had sent the 'deaf threat' video clip within hours of them first being in contact. She considered that it was not something that someone would send someone who they may potentially have a romantic interest in. However, as she had a hearing impairment, she considered that the video was offensive. Witness A stated that PC Yeates had sent a video clip of his home either on the first or second day of their communications. She had told him that she previously had a relationship with a fireman and there was a conversation about items of value in their homes. She was not expecting to receive a video of PC Yeates' home in response. The third video concerned his Police utility belt. Witness A explained that she had previously messaged that she did not want to have any talk of sexual innuendo and thought that the video and associated comments were not appropriate. He apologised for what he had written, and the conversation went back to everyday matters. She stated that they met at Blunsdon House Hotel which was equidistant from their homes. She stated that PC Yeates had made a comment about her still being on the dating website when they had only been in communication for 3 days. She explained that PC Yeates had kissed her unexpectedly and it had split her lip. When they walked to the car, he explained that he was turned-on. Apart from kissing him back for a few seconds, she did not consider that she had given him a reason to feel like that. He had made the comment in a loud way and others were around. She told him that it was inappropriate to say what he had said and she was embarrassed. Witness A explained that PC Yeates had messaged that night saying that he was 'really horny' when she had not done anything to cause him to write such a message. She started to have second thoughts about being in contact with PC Yeates. However, her friend encouraged her to keep going. They agreed to meet the following day. She explained how he had commented on the area that she lived. They had cuddled on the sofa at his request, but she had made it clear that there could not be any kissing as her lip was split. They went for a walk, and he told people that she knew that she was his girlfriend. She asked him not to do it. He had complained that she did not hold her hand. She said that he had kissed her at the kissing gate. She then explained to him that her reticence was due to her past adverse experience with a partner in order to get him to back off. When they got back to her house, he pulled her in for another cuddle which she did not want. Witness A explained that PC Yeates became angry when he discovered that she had not stored his name in her telephone. She then explained that her first name was different. PC Yeates reacted as though this was a 'big lie' and moved across the room. Witness A felt that was

over the top. He left to collect his son or daughter from football. When he got home, he messaged to say that he had a wet patch in his trousers. She stated that she had not given him any encouragement. Witness A explained that PC Yeates had given his full address to her previously and he then told her where his spare key was kept. He invited her to his house the next day. She asked what the plan was and he said 'half naked bed cuddles'. She wanted to get to know him rather than becoming quickly intimate. The discussion then moved on to their prospects together. He had responded 'you obviously don't like me as much as I like you.' Witness A considered that PC Yeates needed to be more considerate, and she did not want to be forced into being someone that she was not. She then explained that she did not want to carry on seeing him. She explained the messages that were received from PC Yeates over the next few days. She then blocked him on the dating website. Overall, she stated that her experience with PC Yeates made her feel worthless and that when she now sees a Police Officer she has heightened anxiety and actively avoids any contact with the Police.

Submissions on facts:

12. Miss von Wachter submitted that the evidence given supported the allegations. She submitted that the facts supported the breaches as set out in Allegations 22-24. Miss von Wachter explained that allegations 19-21 alleged breaches in relation to behaviour that may harm the reputation of a Police Officer or of policing and she cross-referred to the Code of Ethics and paragraph 2.1. Allegations 22-23 referred to paragraph 3.1 in the Code of Ethics in relation to disability and gender.

Decision on Allegations:

13. The Panel accepted the advice of the LQP. The Panel adopted a two-stage process in relation to the allegations, reminding itself that the burden of proving the allegations was upon the AA, and that the standard of proof was on the balance of probabilities. The Panel first made findings of fact in relation to the allegations. Then the Panel considered whether any of the allegations, if made out, breached the Standards of Professional Behaviour.
14. **Allegation 1:** The Panel noted that PC Yeates accepted this allegation and found allegation 1 proved.
Allegation 2: The Panel noted that PC Yeates denied this allegation. The Panel considered that the behaviour of a Police Officer had to be appropriate both on duty and off duty. It

was significant that PC Yeates had used his role as a Police Officer in order to reassure Witness A to trust him. Following consideration of all the evidence as set out in the following allegations, the Panel found allegation 2 proved.

Allegation 3: The Panel noted that PC Yeates accepted this allegation. The Panel found allegation 3 proved

Allegation 4: The Panel noted that PC Yeates accepted this allegation. The Panel found allegation 4 proved.

Allegation 5i: PC Yeates accepted that he sent the video clip concerning ‘deaf threats’. The Panel considered that it was not appropriate for a Police Officer to promote humour using a disability. The Panel noted with concern that PC Yeates thought that it was appropriate for him to send the video clip. The Panel found allegation 5i proved.

Allegation 5ii: PC Yeates accepted that he sent the video clip of his home. Witness A had stated that this was in response to a conversation that she had written concerning being left in a friend’s home alone. The Panel found allegation 5ii proved.

Allegation 5iii: PC Yeates accepted that he made the comments but stated that they were in response to a conversation about handcuffs from Witness A. The Panel considered that even if she had initiated the conversation, he ended it with a sexual innuendo. The Panel found allegation 5iii proved

Allegation 6: PC Yeates accepted that he sent pictures that showed him in uniform, a half open bed and then him lying on the bed with a dressing gown on. He asserted that it was to reassure Witness A. The Panel did not consider that this was a reassurance but instead was inappropriate in the context of where they were in their communications and getting to know each other. The Panel found allegation 6 proved.

Allegation 7: PC Yeates accepted that he kissed Witness A at Blunsdon House Hotel but explained that it was by mutual consent. The Panel considered that the kiss was unwarranted and unexpected even if it was reciprocated briefly. The Panel found allegation 7 proved.

Allegation 8: Witness A explained that PC Yeates stated that he was turned on after a kiss of a few seconds and that he had said this when others were around. She stated that the comment was made in front of others and was inappropriate, embarrassing Witness A in front of others. The Panel found allegation 8 proved.

Allegation 9: PC Yeates did not deny that he had sent a text message stating that he was ‘horny’ albeit he did not accept that it was accusatory in tone. The Panel accepted that Witness A did not encourage him in any way, she had repeatedly stated that she did not

want sexualised messages, and he had made her feel responsible for causing him to say this. The Panel found allegation 9 proved.

Allegation 10: The Panel noted that Witness A gave her address to PC Yeates voluntarily and there was no evidence that she felt uncomfortable in doing so. The Panel found allegation 10 not proved.

Allegation 11: There was no dispute that PC Yeates attended Witness A's address, nor that they had gone for a walk and that he had wanted to hold her hand but she did not want him to do so. Witness A stated that PC Yeates stated to a member of the public that she was his girlfriend. PC Yeates denied that this was the case. The Panel found that Witness A was a credible witness and had no reason to lie about this. The Panel found that this was said by PC Yeates. The Panel did not find that this amounted to manipulative language in an attempt to coerce her into behaving as he wanted. Allegation 11 was proved to this limited extent.

Allegation 12: Witness A had repeatedly stated that she did not want to be kissed. PC Yeates accepted that he kissed her. The Panel accepted that he kissed her when she did not want to be kissed. The Panel found allegation 12 proved.

Allegation 13: Witness A explained that the effect of his behaviour resulted in her making disclosures about her past. The Panel did not consider that PC Yeates used coercive behaviour causing her to reveal these matters. The Panel found allegation 13 not proved.

Allegation 14: PC Yeates accepted that he messaged Witness A. The Panel considered that in the context of what had been said by Witness A regarding sexualised messages, the Panel considered that this was inappropriate. The Panel found allegation 14 proved.

Allegation 15: PC Yeates did not challenge this allegation. The Panel found allegation 15 proved.

Allegation 16: PC Yeates accepted that he sent the message. The Panel considered that in the context of what had been said by Witness A to PC Yeates, the message was inappropriate. The Panel found allegation 16 proved.

Allegation 17: PC Yeates did not challenge this allegation. The Panel found allegation 17 proved.

Allegations 18: The Panel found that this was not a separate allegation but a preamble to the subsequent allegations. Therefore, this allegation was not proved.

Allegation 19: The Panel noted that allegations 5iii, 7, 8, 11 (to a limited extent), 12 and 16 had been found proved. The Code of Ethics 'Authority, respect and courtesy' required that a Police Officer should act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. The Panel considered the reference to

handcuffs and the sexual innuendo (allegation 5iii), the comments and kissing (allegation 7), the reference to being horny and having a 'semi' in a public space (allegation 8), the claim that Witness A was his girlfriend (allegation 11), the kissing of Witness A at the kissing gate (allegation 12) and the messages the following morning regarding kissing Witness A (allegation 16) all failed to appreciate and respond appropriately to requests made by Witness A concerning the basis for their relationship. The Panel found that PC Yeates had failed to act with self-control and that he had failed to treat Witness A with respect and courtesy. Accordingly, the Panel found allegation 19 proved.

Allegation 20: The Panel noted that allegations 5iii, 6, 7, 8, 12, 14 and 16 had been found proved. The Code of Ethics 'Authority, respect and courtesy' required that a Police Officer should not conduct himself so that he might damage his own reputation or that of policing and that his behaviour and language could not be reasonably be perceived to be abusive, oppressive, harassing, victimising or offensive by the public. The Panel considered the reference to handcuffs and the sexual innuendo (allegation 5iii), the photograph of him in a dressing gown (allegation 6), the comments and kissing (allegation 7), the reference to being horny and having a 'semi' in a public space (allegation 8), the kissing of Witness A at the kissing gate (allegation 12), the messages regarding a wet patch and suggesting bed cuddles (allegation 14) and the messages the following morning regarding kissing Witness A (allegation 16) showed that he engaged in unwanted conduct and unwanted communication of a sexual nature. His language and behaviour harmed his reputation and the reputation of policing and was perceived to be oppressive, harassing and offensive. Accordingly, the Panel found allegation 20 proved.

Allegation 21: The Panel noted that allegation 11 was part proven. The Panel did not find that this part of his behaviour amounted to manipulative language in an attempt to coerce her into behaving as he wanted. Accordingly, the Panel found allegation 21 not proved.

Allegation 22: The Panel noted that allegation 5i was found proved. The Code of Ethics 'Equality and diversity' stated that a Police Officer will act with fairness and impartiality and will not discriminate unlawfully or unfairly and will treat all people fairly and with respect. The Panel found that the sending of the 'deaf threats' video clip to Witness A by PC Yeates and the fact that he considered it to be humorous demonstrated discriminatory behaviour related to disabled persons and had the effect of creating a humiliating environment in relation to disabled persons in general. The Panel did not find that this was directed towards Witness A. Accordingly, the Panel found allegation 22 part proved.

Allegation 23: The Panel noted that allegations 5iii, 6, 7, 8, 9, 11 (part proved) 12, 14 and 16 were found proved. The Code of Ethics ‘Equality and diversity’ stated that a Police Officer will act with fairness and impartiality and will not discriminate unlawfully or unfairly and will treat all people fairly and with respect with regard to their gender. The Panel considered the reference to handcuffs and the sexual innuendo (allegation 5iii), the photograph of him in a dressing gown (allegation 6), the comments and kissing (allegation 7), the reference to being horny and having a ‘semi’ in a public space (allegation 8), saying that he was ‘horny’ in messages (allegation 9), the claim that Witness A was his girlfriend (allegation 11), the kissing of Witness A at the kissing gate (allegation 12), the messages regarding a wet patch and suggesting bed cuddles (allegation 14) and the messages the following morning regarding kissing Witness A (allegation 16) resulted in him sending unwanted and uninvited words and behaviour of a sexual nature and had the effect of violating the dignity of Witness A and creating a humiliating environment for Witness A, based upon her gender. Accordingly, the Panel found allegation 23 proved.

Allegation 24: The Panel considered the Code of Ethics ‘Conduct’ and noted that a Police Officer must keep in mind at all times that the public expects a Police Officer to maintain the highest standards of behaviour. A Police Officer must always think about how a member of the public may regard their behaviour. A Police Officer is required to consider whether a particular decision or action might result in members of the public losing confidence in the policing profession. In the light of the findings in relation to Allegations 1-23, which included the sending by PC Yeates of the ‘deaf threats’ video clip, his behaviour of an unwarranted and sexualised nature in public and in private and in messages, the Panel considered that PC Yeates had failed to maintain the highest standards of behaviour and had caused Witness A to lose confidence in the policing profession. The Panel found that the allegations amounted to Discreditable Conduct likely to harm the reputation of Wiltshire Constabulary and the police service in general as well as undermining the confidence in policing. Therefore, the Panel found allegation 24 proved.

Submissions on misconduct:

15. Miss von Wachter submitted that the allegations that were found proved amounted to gross misconduct. She submitted that PC Yeates had behaved in an intentionally discriminatory way towards Witness A and towards people with a disability. She submitted that PC Yeates’ behaviour would harm the reputation of the Police.

Decision on misconduct:

16. The Panel accepted the advice of the LQP. The Panel had regard to the 'Guidance on outcomes in Police misconduct proceedings'. The Panel began by considering the culpability of PC Yeates' behaviour and conduct. It considered that PC Yeates had behaved in an intentional manner in his behaviour towards Witness A. His conduct was deliberate and targeted, and he should have recognised Witness A's vulnerability once he had met her and she had disclosed her previous experiences in relationships to him. The Panel had heard from Witness A and the Panel considered that she was a vulnerable person due to her previous experience of being a victim of sexual assault. The Panel considered that at no stage after he had met Witness A, did PC Yeates recognise that Witness A was vulnerable. Instead, PC Yeates had used his job as a Police Officer to persuade Witness A that he could be trusted and Witness A explained that she was persuaded to trust him because of his job as a Police Officer. Once PC Yeates had met Witness A, he failed to recognise the impact that his position had in their relationship. In addition, PC Yeates had demonstrated discriminatory behaviour in sending the 'deaf threat' video clip. His actions had the potential to cause significant reputational harm to Wiltshire Police. The Panel concluded that PC Yeates' culpability was very high.
17. The Panel went on to consider the harm that PC Yeates had caused. The Panel found that PC Yeates had caused psychological harm to Witness A and had caused reputational harm to Wiltshire Police which would undermine the public's confidence in the Police. The Panel considered the effect on Witness A, who now felt unable to approach a Police Officer, meant that the harm caused was high. The effect of sending the 'deaf threat' video was to cause reputational harm to Wiltshire Police because it used disability as a basis for humour.
18. The Panel considered whether there were any aggravating factors. The Panel found that PC Yeates lacked any insight into the consequences of his repeated behaviour. He failed to recognise that Witness A was vulnerable, and he failed to recognise the effect of his behaviour on Witness A. The Panel considered that there was a sustained period of unwarranted sexualised behaviour within a short period of time, where he failed to acknowledge the requests by Witness A to desist. The Panel found that these were aggravating factors. At a Misconduct Meeting on 24 January 2023, PC Yeates was found to have engaged in an unwarranted course of conduct with a female Police Officer and made

unwanted physical contact with that female Police Officer. This Panel found that this finding amounted to an aggravating factor.

19. The Panel went on to consider whether there were any mitigating factors. It did not consider that there were any mitigating factors.
20. The Panel went on to determine that the allegations that were proved fell far short of the standards expected of Police Officers. The allegations were serious and justified disciplinary action and at least amounted to misconduct. The Panel considered that the high level of culpability, the high level of harm, and the aggravating factors meant that had PC Yeates been a serving Police Officer, his actions could have resulted in his dismissal. Accordingly, the Panel found that the allegations that were proved were so serious as to amount to gross misconduct.

Submissions on outcome:

21. Miss von Wachter submitted that there were only two options, dismissal or to take no action and simply to record a finding of gross misconduct. She submitted that AA's position was that the behaviour found proved was incompatible with being a Police Officer and that a finding that he would have been dismissed was appropriate. The Panel were provided with a copy of PC Yeates' staff service record.

Decision on outcome:

22. The Panel had regard to the College of Policing's 'Guidance on outcomes in Police misconduct proceedings' in order to assess the seriousness of the gross misconduct. The Panel's overall assessment of culpability was that the allegations were at high culpability and high level of harm. In addition, PC Yeates' staff service record demonstrated inappropriate behaviour and communications of a sexual nature within the workplace in 2017 and 2018, in addition to the matters from 2022 that resulted in a Final Written Warning on 24 January 2023. Accordingly, the Panel considered that PC Yeates' behaviour was so serious that the only outcome had he remained a serving Police Officer would have been dismissal.

ACC DEBORAH SMITH

(Chair)

Wednesday 4 September, 2024