



WILTSHIRE POLICE

OUTCOME OF SPECIAL CASE HEARING

NOTICE under Regulation 63 of the Police (Conduct) Regulations 2020

Date of Hearing:	13/12/2024
Persons Present	
Officer Subject of Proceedings:	PC 70580 Joshua HARPER
Chief Constable Hearing the Case:	Chief Constable Catherine ROPER
Other Person(s) Present:	DC 2357 Gemma Neighbour PS 2778 Darren ZEREBECKI Amy DERHAM, HR Business partner Jane THOMAS, PSD coordinator
Allegation 1	PC HARPER has engaged in sexual communications with a female under 16 years, requesting nude images of her and incited her to engage in sexual acts. Finding: Not found
Allegation 2	PC HARPER has sent a female under 16 years explicit photographs of his genitalia and videos of him masturbating and ejaculating. Finding: Not found
Allegation 3	PC HARPER has abused his position for sexual purpose telling the victim he was a police officer and sending photographs and videos of himself committing lewd acts. Finding: Found
Allegation 4	Between August 2023 and March 2024 PC HARPER has unlawfully disclosed information without policing purpose, on at least 3 occasions and breached data protection legislation. Finding: Found
Rationale for Finding(s): 1. Assessing the seriousness of the misconduct: (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)	

In preparation and during this accelerated misconduct hearing, I have given consideration to the following:

1. The bundle produced for me by the Appropriate Authority

This included:

- The notice of referral to the Accelerated Hearing
- Special Case Certificate for PC Joshua Harper
- PC Harper's response dated 21st November 2024
- Regulation 17 Notice
- Terms of Reference
- Investigating officer's final report dated 17th September 2024
- Record of Video Interview of Ms A dated 7th March 2024
- Statement of Ms A's Father dated 6th March 2024
- Statement of PC William Barker South Yorks dated 6th March 2024
- Statement of PC Dominic Maidment dated 6th March 2024
- Statements of DC Megan Hughes South Yorks dated 6th and 7th March 2024
- Statement of PC Bellwood-Gray dated 9th March 2024
- Statement and account of Samuel Davey dated 13th May 2024
- Statement of Lisa Reed dated 18th June 2024
- Account of EG dated 25th July 2024
- Account of PC Sophia Clarke dated 25th June 2024
- Record of Video Interview with PC Joshua Harper dated 19th August 2024
- Exhibits HW/1, MH/2A, LJR/01, LJR/02, LJR/03, LJR/04, LJR/05, LJR/06, LJR/07, GN/01/260624, GN/03, SCD/1
- College of Policing Code of Ethics
- Wiltshire Police Equal Opportunities Policies and Procedures
- Extract of the NPCC Strategy 2021 Abuse of Position of Trust for Sexual Purposes 2021
- Extract of College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2022

This was all read in advance of the Accelerated Misconduct Hearing

2. The answers and explanation that were provided to me by PC Harper during the Accelerated Misconduct Hearing on the 13th December 2024. This was recorded, as agreed by all parties present.

British Policing is founded on public co-operation resulting from approval and respect for officer behaviour. The legitimacy of the service is strengthened when the public have faith in the professionalism of officers and staff; conversely it is undermined by behaviour that erodes trust and confidence. The public expect police officers and police staff to protect them; that is their role and the public deserve nothing less. Public trust and confidence is essential for policing to be able to provide the best possible service. It is a privilege that must be earned, and then maintained by the highest possible professional standards. Public trust and confidence is not a right – and it must be revered and respected. *RV Bolton v. Law Society (1994) "A profession's most valuable asset is its collective reputation and the confidence which that inspires"*

In considering this hearing, I have been mindful of the College of Policing Guidance on Outcomes of Misconduct Proceedings 2022 (published in 2023). This guides that assessing the seriousness of police conduct lies at the heart of the decision on outcome under Parts 4 and 5 of the Conduct Regulations. Whether conduct would, if proved, amount to misconduct or gross misconduct for the purposes of Regulation 14 of the Conduct Regulations is also a question of degree (ie, seriousness).

The guidance explains that there are three stages to determining the appropriate sanction:

- assess the seriousness of the misconduct
- keep in mind the purpose of imposing sanctions
- choose the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question

In assessing the seriousness of the proven conduct, the guidance gives reference to:

- the officer's culpability for the misconduct
- the harm caused by the misconduct
- the existence of any aggravating factors
- the existence of any mitigating factors

The guidance provides further assistance when considering the outcome. First it is necessary to assess the seriousness of the misconduct, taking account of any aggravating or mitigating factors. The most important purpose of imposing disciplinary sanctions is to maintain public confidence in, and the reputation of, the policing profession as a whole. This dual objective must take precedence over the specific impact that the sanction has on the individual whose misconduct is being sanctioned.

The College of Policing guidance gives further detail on the following:

Abuse of Position of Trust or Authority:

The nature of the office of constable means that all police officers are in a position of trust and authority in relation to members of the public. An officer's misconduct will be more culpable where it involves an abuse of this position. The abuse of position for a sexual purpose (APSP) is a form of serious corruption, defined as any behaviour by a police officer, whether on-duty or off-duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public. Such conduct can cause substantial damage to public trust and confidence in the police, and is particularly serious where the subject of the officer's behaviour is a vulnerable person.

Burden and Standard of Proof

The burden of proof rests entirely with the Appropriate Authority. PC Harper does not need to prove anything. The standard of proof is on the balance of probabilities; whether what is alleged is more likely than not to have happened.

Findings of Fact

Allegations 1 and 2

PC Harper did not admit the first two allegations, which were in relation to online sexualised contact with a specific unknown female in August 2023.

These allegations are of a very serious nature which I have considered carefully. It does not require any enhanced standard of proof, but I am not persuaded even on the balance of probabilities that the AA has discharged the burden of proving the provenance of the officer's phone.

I was unable on the evidence before me to find that on the balance of probabilities PC Harper knew the female he was having sexualised contact with was under 16 years. The evidence provided did not show continued contact with the female, Ms A, upon PC Harper discovering her age. In my assessment, the facts were not found on allegations 1 and 2.

I therefore do not find allegations 1 and 2 proven.

Allegation 3

Downloads of PC Harper's mobile phone indicated that PC Harper had engaged with a significant number of people on social media. This is not in itself an issue in terms of how PC Harper wishes to conduct his private life to which he has a right. The relevant concern is where that behaviour becomes one which could draw policing generally, and specifically Wiltshire Police, into disrepute – with this report already referencing the essential need for the public to have trust and confidence in police officers.

The forensic download of evidence supports that PC Harper identified himself as a police officer to unknown persons online. Further forensic download evidence supports that PC Harper had shared an image of himself wearing his uniform to unknown persons online. Finally, there were supporting statements from three separate individuals that PC Harper had shared photographs of himself

dressed as a police officer. Two of these statements were linked to the persons involved in allegations 1 and 2 and could not be supported by download evidence as these had been deleted as part of the platform utilised by PC Harper. The 3rd statement was someone known to PC Harper, and whilst therefore it did not fully fit the descriptor of allegation 3, it did show a pattern of behaviour of sharing photos and videos by PC Harper of himself in uniform and in the police station or a police vehicle, including an inappropriate video.

On the basis of the above, I find allegation 3 to be proven.

Allegation 4:

Forensic download evidence supports this allegation. This included Wiltshire Police systems in addition to the phone of PC Harper. A combination of this forensic evidence included the off-duty access to body worn footage by PC Harper for no lawful policing purpose – which PC Harper confirmed during the hearing that he had shown to his family and former partner. This was confirmed in the statement of his former partner. There was further forensic download evidence that PC Harper had shared a photo of someone who he had arrested and was in the waiting area for the custody suite. This was also confirmed by the statement from his former partner. PC Harper initially challenged the manner in which the photo had been shared but did accept by the end of the hearing that the photo had been shared by him with no lawful policing purpose.

On the basis of the above, I find the facts in allegation 4 to be proven.

Standards of Professional Behaviour

The AA alleges that this conduct amounts to breaches of the Standards of Professional Behaviour, namely: 'Honesty and Integrity, Authority, Respect and Courtesy, Discreditable Conduct, and Confidentiality.'

- Honesty and Integrity - Police Officers are honest, act with integrity and do not compromise or abuse their position.
- 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 use their powers and authority lawfully and proportionately and respect the rights of all individuals.
- Discreditable Conduct - Police Officers behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing
- Confidentiality - Police Officers treat information with respect and access or disclose it only in the proper course of police duties.

I have considered the behaviours as a whole due to the behaviours forming a wider pattern. I find that the proven conduct amounts to a breach of the Standards of Professional Behaviour relating to, Honesty and Integrity. PC Harper has failed to act with integrity, he has abused his position by sharing images of himself in uniform, and identifying himself as a police officer with persons unknown with whom he is in contact with through social media. Authority, Respect and Courtesy, PC Harper has failed to treat members of public with respect or courtesy by making disclosures of information about members of the public on his BWV and a photograph of a detainee. His actions could discredit the police service and undermine public confidence. Through his actions he has failed to treat information with respect and has disclosed information without a lawful policing purpose, therefore all the above listed Standards of Behaviour have been breached.

Finding of Gross Misconduct

Gross Misconduct as defined in the Police (Conduct) Regulations 2020– a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

I explored the Code of Conduct with PC Harper during the hearing but was unconvinced that PC Harper understood the significance of his actions, and the significant impact it could have on the trust and confidence of our communities in policing, specifically Wiltshire Police. I considered this an aggravating factor.

In my summation, I made it clear that I expected nothing less than the highest standards of behaviour of police officers and staff within Wiltshire Police. I explained that all conduct, professionalism and breaches from it should be considered in light of both the Casey Review and the Angiolini Inquiry. They identified the quite understandable significant trust and confidence challenges for policing, especially for women and girls, and that PC Harper had fallen significantly below the standards I expect. I explained that there was an obvious link between online sexualised activity and exploitation. I also made clear that a police officer is always in a position of trust, regardless as to whether a behaviour is sexualised or not, on or off duty.

During the hearing, I encouraged PC Harper to reflect on the privacy and dignity that he had denied those persons who had featured in the sharing of body worn video footage and photos of incidents and persons with whom he had come into contact through his policing duties. None of this was for a lawful policing purpose and could not in any way be justified as professional policing conduct. In my view, this behaviour is abhorrent, and another aggravating factor.

I have considered PC Harper's personal record (although he is still within his probation) for any potential mitigating factors during my decision making process.

I have also given consideration to PC Harper's response to the allegations for any potential mitigating factors during my decision making process.

On the basis of all the information made available to and considered by me and in accordance with the guidance set out above it is my decision that the behaviour of PC Josh Harper reached the threshold of Gross Misconduct.

The purpose for which sanctions are imposed:

The purpose of the police misconduct regime is threefold:

- to maintain public confidence in and the reputation of the police service;
- to uphold high standards in policing and deter misconduct and
- to protect the public

The most important purpose of imposing disciplinary sanctions is to maintain public confidence in, and the reputation of, the policing profession as a whole.

The above outlines my decision that the actions of PC Harper amount to Gross Misconduct.

Regulation 62 of the Police (Conduct) Regulations 2020

62.—(1) Where the person conducting or chairing the accelerated misconduct hearing finds that the conduct of the officer concerned amounts to gross misconduct, they must impose disciplinary action, which, subject to the provisions of this regulation, may be—

- (a) a final written warning;
- (b) reduction in rank, or
- (c) dismissal without notice.

The sanction which most appropriately fulfils that purpose in light of the seriousness of the conduct:

Pursuant to Regulation 62(1) given that I have found Gross Misconduct, I imposed disciplinary action.

I assessed the seriousness of the misconduct by reference to the four ingredients of culpability, harm, aggravating and mitigating factors.

Having considered all of these factors carefully, I consider that the facts of this case are such that the three-fold purpose to remain public confidence in, and the reputation of, the police service, of upholding high standards in policing and deterring misconduct and protecting the public would NOT be appropriately fulfilled by the imposition of a Final Written Warning.

The only proportionate outcome in this case, which satisfies the purpose of the regulatory regime; due to the severity of the unprofessional behaviour, potentially having a catastrophic impact upon the trust and confidence of our communities in policing, specifically Wiltshire Police, I dismissed PC Harper without notice.

Disciplinary Outcome: Dismissed without notice

Reasons for Decision:

In the rationale provided earlier in this document, I have outlined the actions and behaviours of PC Joshua Harper.

These have no place in policing.

Policing is a privilege, and we should respect and revere the earning of the trust and confidence of the public – and tirelessly work with the highest professional standards in order to maintain that trust and confidence. It is only by doing this that we can keep people safe, and protect the vulnerable.

PC Joshua Harper has fallen so far below these standards of behaviour that I consider dismissal is the sanction which most appropriately fulfils the need to maintain the trust and confidence of the public.

I will only accept, for Wiltshire Police, and for the policing community more widely, the highest possible Standards of Professional Behaviour.

Representations by the Chair as to Publication on the Police Barred List

Insert any representations:

Chairs have a role to play in making representations at the conclusion of misconduct proceedings as to publication of the information set out in the Barred List Regulations. As part of their remarks at the conclusion of the proceedings, they may make reference to whether any of the following factors are likely to apply:

- a) Would be against the interests of national security;
- b) Might prejudice the investigation or other criminal or civil proceedings;
- c) Would result in significant risk of harm to any individual, including the officer themselves.

The relevant authority will then include these representations in their report to the College of Policing.

I have no representations to make as to why PC Joshua Harper should not be placed on the Police Barred List.

Signature of Chief Constable: Catherine Roper

Date: 20/12/24