

MISCONDUCT PANEL DECISION PURSUANT TO REGULATION 33(16) OF THE POLICE (CONDUCT) REGULATIONS 2012 ARISING FROM THE MISCONDUCT HEARING CONCERNING ACC SUTCLIFFE AND GREATER MANCHESTER POLICE ON 29 NOVEMBER AND 1 DECEMBER 2016

Introduction

1. Assistant Chief Constable Rebekah Sutcliffe is a member of the Greater Manchester Police (GMP) Chief Officer Team. The conduct which is the subject of these proceedings concerns her interaction with another relatively high ranking female GMP officer, Temporary Superintendent (T/Supt) Sarah Jackson.
2. We have before us two breaches of the Professional Behaviour Standards. They are set out in the Appropriate Authority's Reg 21. It is accepted by Assistant Chief Constable Sutcliffe that in the early hours of 6 May 2016, in the bar at the Hilton Hotel, Deansgate, Manchester, she behaved in a way towards Temp Supt Sarah Jackson in a way which breached the standards relating to both (a) authority, respect and courtesy and (b) conduct.
3. This Misconduct Panel, made up of Chair Rachel Crasnow QC, and Panel members HM Chief Inspector of Constabulary Sir Thomas Winsor and Mr Alastair Cannon, was appointed pursuant to Reg 26 of the Police (Conduct) Regulations 2012. We sat at GMP Headquarters on 29 November and 1 December 2016 to hear the parties' submissions and to deliver our oral decision at the close of the day on 1 December 2016.
4. The allegations against ACC Sutcliffe relating to the first breach, are that she failed to treat T/Supt Sarah Jackson with respect or courtesy, she made inappropriate and/or insulting and/or offensive personal remarks about her physical appearance and promotion prospects. She abused her position and authority by making unjustified pronouncements on her professional abilities and/or promotion prospects and/or the way in which Jackson was allegedly viewed by other chief officers
5. With respect to the second allegation of discreditable conduct, it is alleged that ACC Sutcliffe's actions have discredited the police service and/or undermined public confidence in it. She was very drunk following a police conference of national importance where she was a delegate and delivered an opening address as the most senior female officer in GMP. She was known to hotel staff to be a member of the police service when she addressed loud drunken

personal remarks to T/Supt Jackson in the presence of staff and members of the public relating to her personal appearance and professional competence.

Admitted background

6. The facts leading up to, at the time of, and following the conduct in question are admitted by ACC Sutcliffe. We set them out here.
7. The two female officers had a positive professional relationship before the evening in question. In 2014, ACC Sutcliffe interviewed and appointed T/Supt Sarah Jackson to the rank that she held at the time of the incident. ACC Sutcliffe was her direct line manager for some months at the start of her secondment and T/Supt Jackson says that ACC Sutcliffe was supportive of her development, that she had recommended her extended temporary promotion and nominated her for a role in the Home Office-funded early intervention police academy.
8. T/Supt Jackson was a longstanding 'Senior Women in Policing' (SWIP) committee member and one of a team involved in the planning and organisation of the May 2016 annual SWIP conference that was hosted by GMP at the Hilton Hotel, Deansgate, Manchester.
9. The conference was of national significance for women in the police service and was opened by ACC Sutcliffe on 4 May 2016, when she stood in for another officer who was unavailable.
10. She was also due to attend as a delegate for the day on 5 May 2016 but could not because of her professional commitments concerning a planned counter-terrorism exercise. ACC Sutcliffe attended the gala dinner on the evening of 5 May 2016 and delivered the address on behalf of GMP to the attendees. The events of that evening were off-duty, but we note they followed on from the conference, at the same venue, and that the conversation focused upon work matters, that is, ACC Sutcliffe's perception of T/Supt Jackson's professional reputation.
11. ACC Sutcliffe has said she cannot remember exactly how much she had to drink before the conversation in question. She recalled in interview that she had a glass of sparkling wine at the reception and then probably drank three or four glasses of wine at dinner and more later when the attendees adjourned to the Mezzanine Bar. In that area after the dinner she says she 'can't remember exactly how much I drank. But what I do know is that I drank enough to be very drunk'. Although ACC Sutcliffe only has a very limited recollection of the events, she has not disputed any part of T/Supt Jackson's account of events.

12. It is agreed that the Mezzanine Bar area at the Hilton hotel was meant for the use of conference delegates but was accessible to staff of the hotel and members of the public, since it was not cordoned off.
13. The contact with T/Supt Jackson which gives rise to these misconduct proceedings took place in two locations – the Mezzanine Bar and then later the hotel lobby - and is partly shown on CCTV. Whether or not the incident occurred in a public place, it is agreed that members of staff saw the conduct at certain stages and ACC Sutcliffe did not check how private the location was prior to having the conversation. The hotel staff have described in their statements of 9 June 2016 how they felt the conversation was inappropriate (but not aggressive) and how they were reticent about approaching the women because they were police officers.
14. ACC Sutcliffe sat with T/Supt Jackson in the Mezzanine Bar area and there was initially general conversation. T/Supt Jackson had been drinking but was not drunk and, unlike ACC Sutcliffe, can recall the events in detail. There came a point when ACC Sutcliffe gratuitously introduced into the conversation remarks linked to the fact that T/Supt Jackson had had recent breast enhancement surgery. She started by telling T/Supt Jackson that she used to respect her but no longer did since she had the 'boob job'. It is admitted by ACC Sutcliffe that these comments were wholly inappropriate and hurtful. T/Supt Jackson asked her what she meant and ACC Sutcliffe told her that the way she looked affected the way she was perceived and that she was now judged 'on the size of her tits'. She then alleged that T/Supt Jackson was 'a laughing stock on the 4th Floor' (a reference to the chief officer team at GMP) and that they had all openly discussed the fact that she had a 'boob job' and as a result thought her silly and frivolous, that she was thought of as vain, and nobody took her seriously. These comments had the effect of making T/Supt Jackson mortified, embarrassed and ashamed.
15. T/Supt Jackson tried to explain how hard she worked and that looks had nothing to do with ability. She reminded ACC Sutcliffe of the fact that they were attending a SWIP conference with the theme 'Profile and Perception'. However, ACC Sutcliffe repeated her view that as T/Supt Jackson had had a boob job, she was 'silly, vain and frivolous', adding that 'promotion was now unlikely because her credibility among chief officers was zero and nobody took her seriously'. We repeat, although ACC Sutcliffe cannot recall it, she does not dispute that this happened.
16. Soon after that, ACC Sutcliffe wished to leave the bar and was accompanied by T/Supt Jackson because, earlier, the Chief Constable had seen that ACC

Sutcliffe was drunk and had become concerned that she should not walk back to her hotel alone. Therefore, he had asked T/Supt Jackson to make sure she got back safely, which led T/Supt Jackson to feel she had to remain with ACC Sutcliffe and accompany her back to her hotel. They made their way to the main foyer of the hotel where ACC Sutcliffe continued for some minutes to insult T/Supt Jackson in a similar vein in view of hotel staff and members of the public. The hotel's night manager, Mr Rao, approached them, asking the women to lower their voices and return to their rooms. The conversation then concluded with ACC Sutcliffe saying to T/Supt Jackson that she was no longer going to support her for promotion, she was no longer her backer, she wanted nothing more to do with her and that the matter was now closed. She then walked away. At this stage, around 3 am, despite the Chief Constable's request, T/Supt Jackson decided that in view of the conversation she would not accompany her.

17. From about 6 am that day, ACC Sutcliffe made repeated attempts to apologise to T/Supt Jackson by phone, text and e-mail. Whilst she could not recall the conversation in any detail, she was able to remember that her behaviour the evening before called for an apology. It is agreed before us that she was genuinely attempting to apologise for her behaviour and to reassure T/Supt Jackson of her professional support. She explained that she was apologising for being 'rude and over personal' and that she thought T/Supt Jackson was a 'fab and brilliant professional' and she would continue to support her. However, T/Supt Jackson was not ready to interact again with ACC Sutcliffe. ACC Sutcliffe respected this; she continued to be willing to offer an apology. On 20 May 2016, during the course of the investigation into her conduct, ACC Sutcliffe sent an apology via her Chief Officer Friend in the following terms: *'I deeply regret what happened and in particular the upset I caused to someone I hold in very high regard. I also apologise to the Chief Constable and my colleagues for the negative publicity this has caused for Greater Manchester Police. I am determined to learn from my mistakes. I am committed to serving the public as a police officer and I hope I may be able to return to duty as soon as possible'* Some nine apologies were identified to us on behalf of ACC Sutcliffe.

18. Throughout the investigation into her conduct, ACC Sutcliffe co-operated fully and made early admissions. This is agreed by the Appropriate Authority. Whilst she had minimal recall of the events, she accepted that she knew T/Supt Jackson to be a truthful person and had no reason to doubt her account. In interview on 26 July 2016, she explained that at the time of the incident she was under a significant amount of stress. On the day of the incident, she said she was 'frazzled' due to both professional and personal issues. She said that the stress led to her drinking too much which in turn led to her unacceptable behaviour.

19. In the days following the incident, there was substantial media coverage of the events. We have seen an extract of such coverage in the bundle before us and are able to see that some of the reports are in some respects significantly inaccurate. However, the media reports are relevant to this extent: they show that the events are in the public domain and have attracted national coverage. The conduct has caused comment and criticism of both of the officers involved, despite T/Supt Jackson simply being on the receiving end of some totally unacceptable behaviour. It is also clear that, entirely predictably, the incident has reflected very badly on Greater Manchester Police and indeed the police service as a whole. The fact it took place in the context of a national police conference about the promotion of women in policing exacerbates the potential disrepute, since this was the principal story to arise from the conference. We touch later upon whether the disrepute would have been any different had the press coverage been accurate, that is, had it reported the hurtful and cruel comments.
20. We have already said that early admissions were made and apologies given. In the Reg. 22 Response filed on her behalf, ACC Sutcliffe admits the conduct alleged. There is no challenge to any of the evidence put before us by the Appropriate Authority.

The severity of the misconduct

21. ACC Sutcliffe's Reg 22 notice takes issue with the Appropriate Authority's assessment of the severity of the conduct, contending it amounts to misconduct, not gross misconduct.
22. So the first issue for us is to assess the conduct and decide whether it was sufficiently severe so as to amount to gross misconduct.
23. The definition of gross misconduct is found in Reg. 3 of the Police (Conduct) Regulations 2012 is:
- ' "gross misconduct" means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.'
24. It was said on behalf of ACC Sutcliffe that the conduct does not amount to gross misconduct when the offence mitigation is taken into account along with other factors. She relies upon the lack of dishonesty or lack of integrity, the fact of there being no premeditation, the fact that the misconduct was a product of excess alcohol coupled with personal and professional exhaustion, and was entirely out of character. Further, it is said that the misconduct was not committed in the course of public or professional duties, and there was no

obfuscation or passing on of blame. It is said that there was no abuse of trust and very few people observed the misconduct (see our conclusions on these factors below). The ACC also relies upon her immediate acceptance of responsibility for her misconduct upon her post-offence rehabilitation via CBT and her admissions. She said there is a nil risk of her repeating such behaviour for several reasons.

Panel findings on conduct and severity

25. Our findings on the severity of the conduct are as follows. We do not accept that in looking at the conduct we should take into account all the background circumstances, the offence-mitigation and the after-event factors. We are able to assess the question of severity by considering the conduct itself, as it would have appeared to a reasonable onlooker and indeed by how it appeared to T/Supt Sarah Jackson (with regard to her interview notes she prepared for her interview dated 25 July 2016). We have no doubt that this was gross misconduct for these reasons. ACC Sutcliffe allowed herself to drink too much and when she was drunk behaved shockingly, cruelly, harshly and hurtfully towards her subordinate, and stupidly exposed her breast during the exchange. The aggravating features of the conduct were in particular that this was gratuitous and unprovoked behaviour, started on ACC Sutcliffe's own initiative. It was a prolonged and deliberate attack on T/Supt Sarah Jackson lasting more than an hour. The conduct was an abuse of ACC Sutcliffe's senior position – as numerous references were made about no longer being her supporter professionally, and it was intimidating of her to refer to third parties during that conversation (those on the 4th floor and “OP”).
26. ACC Sutcliffe took the risk of public observation or reportage. No checks were made to ensure that the conversation took place in private, and it was only luck that not more people observed her, and that it was the middle of the night. As we know, the risk that the conduct would become known materialised. Had the conversation been accurately reported, we consider it could well have been more damaging to police reputation than it actually was.
27. We have reflected thoroughly on the mitigating features of the conduct, which are chiefly that although the content of the conversation was work-related, concerned with promotion and respect in the workplace, it did not occur in the context of operational duties and was not premediated. Importantly, it did not involve dishonesty. We accept that it is extremely unlikely that such conduct will be repeated, but that does not detract from the extent of the misconduct itself as it occurred.

28. Having decided pursuant to Reg 33(13), (14) and (16) of the 2012 Regulations that on the balance of probabilities the conduct in question amounted to gross misconduct, and having set out the reasons for our finding, we now move on to consider what recommendation to make as to sanction, pursuant to Reg 33(16)(c).

Considerations as to sanction

29. We heard submissions in full concerning outcome. We were reminded that the primary purpose of the sanctions is the maintenance of public confidence in and the reputation of the police service: and referred to the cases of *Bolton v The Law Society* [1994] 1 WLR 512, *Redgrave v Commissioner of Police for the Metropolis* [2003] 1 WLR 1136, *R (Green) v Police Complaints Authority* [2004] UKHL 6, *Salter v Chief Constable of Dorset Police* [2012] EWCA Civ 1047 and most recently the case of *R (Williams) v PAT & Commissioner of Police for the Metropolis* [2016] EWHC 2708 at [66]-[68]. There, the Divisional Court said that personal mitigation has less value in this forum than in, for example criminal cases, because the purpose of misconduct sanctions is maintenance of public confidence rather than punishment. Had the purpose also included punishment, our recommendation on sanction might have been different.

30. A distinction was made to us between offence-mitigation and personal mitigation, and we were reminded about what was said in *Williams* by Holroyd J at [67] regarding not ignoring personal mitigation but rather always taking it into account. Thus we were asked to place full weight on offence-mitigation, some weight on personal-mitigation, and to have regard to proportionality.

31. The principal question for us was phrased as follows: what is the minimum sanction consistent with the maintenance of public confidence in policing?

32. It was said on ACC Sutcliffe's behalf that the maintenance of public confidence in and the reputation of the police service does not require dismissal and that a lesser sanction - with appropriate censure in the judgment - will meet the needs of public confidence. The reason for that was it was said the public nature of our judgment means the public will see from our reasoning and explanation why dismissal was not necessary.

33. It was submitted on ACC's behalf that the stupid mistake made by ACC Sutcliffe in the early hours of 6 May 2016 does not demand dismissal when the panel has fair regard to:

- (a) the kind of police officer that she is and has been;
- (b) the immensely positive contribution that she can continue to make to policing and service of the public;
- (c) the preparedness of the well-informed and reasonable member of the public to give such an officer a second chance.

34. In looking at her character as part of personal mitigation, it was noted on her behalf that the character testimonials spoke to: intelligence, professionalism and personal kindness, along with strong, inspiring and visionary leadership. Leadership was said to be important since that is the function ACC Sutcliffe would perform if she were to return to her duties. Likewise, it is her leadership skills which mean that, despite her mistake, she remains an asset to policing; We were told ACC Sutcliffe is someone who never takes her eye off why she is there: to serve and meet the needs of the public. She was said to be dedicated to the public, itself a function of public confidence, and that this is apparent from the testimonials from victims of crime and from those who noted her commitment to work on projects like Troubled Families and Challenger (see evidence of Jill Beaumont). It was said this work would not have been done without ACC Sutcliffe's input and her ability to speak the language of other public sector bodies.

35. We were urged not to find that the admitted misconduct meant in any way that ACC Sutcliffe was somehow not supportive of other women in policing, and were referred to the testimonials of DCI Jane Little, DCI Janet Hudson, Det Supt Emily-Jane Higham, T/Supt Sarah Wallwork, Jane Forrest and Vicky Charles.

36. We were referred to the references of just a few of the many put in on her behalf. They were those of Dr Carolyn Wilkins, James Purnell, Simon Pickthall, ACC Potts, Alasdair Robertson, and former DCI Gary Simpson, and, with regard to leadership: T/Det Ch Supt Simon Barraclough; Ch Supt Mary Doyle, T/Ch Supt Neil Evans - PSAEW Chair; DCI Chris Mossop, Stephen Rimmer, Det Supt Retford, Det Supt Mark Smith, Terry Sweeney and Ch Insp Emma Taylor.

37. ACC Sutcliffe's representative addressed us on the positive contribution she would be able to make and referred us to the High Court decisions in *R (Bevan) v GMC* [2005] EWHC 174 and *Giele v GMC* [2005] EWHC 2143 which dealt with the impact of testimonials. Testimonials carry some weight in deciding how confidence can properly be maintained.

38. The edict from case law was distilled as being: is the public better served with ACC Sutcliffe back on the books, serving the public, or is the public better served with her dismissed?
39. It was said that, applying an objective stance, it would be positively contrary to the public interest to dismiss ACC Sutcliffe and this would not maintain public confidence in the police service. A well-informed and reasonable member of the public would be prepared to give ACC Sutcliffe a second chance, for these reasons:
- (a) the mistake was essentially private, or not executed in the course of her primary duties;
 - (b) the mistake was one for which she immediately, sincerely and appropriately apologised - to all concerned;
 - (c) the mistake which led to her misconduct ACC Sutcliffe admitted immediately and has put GMP, Durham Police and the victim to the least trouble possible;
 - (d) the mistake was out of character;
 - (e) the mistake was mitigated by extreme stress: see details at [34] and the redacted [35] of the Reg 22 Response which identified the professional and personal factors in issue;
 - (f) the mistake is to be balanced against a backdrop of distinguished and committed policing and outstanding leadership;
 - (g) the mistake is in the context where the panel can be very sure that ACC Sutcliffe will never repeat the risk of drinking excessively in any environment which is not 100% safe and private.
40. We note ACC Sutcliffe relied upon the steps she has taken to learn about addressing stress constructively and refraining from using alcohol as a coping mechanism (see in this regard the testimonial from Chief Superintendent David Hull at supp. bundle p2 and his observations about the effect of alcohol upon her).
41. On her behalf, it was said that avoiding dismissal did not equate to escaping censure and that we should remember ACC Sutcliffe has already been censured by suspension and media coverage. It was submitted that dismissal would not be a proportionate response. Lastly, some reliance was placed on the personal mitigation that, if dismissed, her financial loss will exceed £500,000

largely as a result of pension losses and that this is another reason for suggesting that dismissal would be excessive and manifestly disproportionate.

Our recommended outcome

42. The Home Office Guidance on Police Office Misconduct makes it clear that the rationale behind the Standards of Professional Behaviour is the maintenance of public confidence in the police service. In considering what sanction we should recommend to the Appropriate Authority, we weigh up what is the minimum sanction which would maintain public confidence in policing in this particular case. We have considered both offence-mitigation and general mitigation and balanced the various issues arising in a proportionate way. We stress we have had regard to relevant case law (in particular *Salter*, *Williams*, *Bolton* and *Bevan*: see above).
43. In answer to the question: how is the public best served, two possible answers exist. Either the public is best served with ACC Sutcliffe continuing to serve the public, working under a disciplinary sanction short of dismissal, or ACC Sutcliffe should lose her job.
44. This is a difficult case. We acknowledge dishonesty is not involved. There is thus greater scope for us to consider outcomes short of dismissal. This was not an operational matter, but we stress we do not accept it was a private matter. The conversation related to how T/Supt Jackson should be regarded at work, in terms of reputation and future career prospects. The forum for the conversation was a hotel where a police conference had taken place. This was the post-conference party. As we must, we accept and take into account that there was a genuine, almost immediate apology and admission as to misconduct. We take into account the steps ACC Sutcliffe has taken to learn from her mistakes through CBT.
45. With regard to long service, this mitigating feature has to be balanced against the increasing responsibility as role models which police officers possess as they rise through the ranks. This is not a case where ACC Sutcliffe has been treated any differently from any other officer simply because of her high rank.
46. That she had given outstanding service over the years is a relevant factor however, and we have borne in mind the references which set out that service, along with the guidance in *Bevan* and *Giele*. All these references do of course go to the public interest in allowing ACC Sutcliffe to remain in post, although we note almost all of them were sought specifically by ACC Sutcliffe's solicitors.

47. We have also reminded ourselves that she had a particular responsibility to ensure that her conduct was exemplary and to set an example to her subordinate officers. It is not in doubt that she let the police force down on the night in question.
48. We note the observations of the Court of Appeal in *Salter* where Maurice Kay LJ at [23] pointed out that because the purpose of misconduct proceedings was the maintenance of public confidence in the police service, the potential of personal mitigation is 'necessarily limited'. So, when considering the impact of a potential dismissal on ACC Sutcliffe's future career and pension, we take that hardship into account, whilst weighting up the fact that we must not treat a longer-serving officer more leniently than a junior officer purely because of the question of pension. Indeed the maintenance of public confidence and respect in the police service may mean that a high-ranking officer must suffer a harder fall than would a junior officer in similar circumstances.
49. In *Williams* the Court said at [70] that: "*if the need to maintain public confidence in and respect for the police required dismissal, the financial consequences to Mr Williams – heavy though they undoubtedly are – could not be a reason for imposing a lesser sanction*" The same must be right here; even if ACC Sutcliffe has more to lose, say with regard to pension, than a colleague who is junior in rank and years of service, that cannot be a reason for imposing a lesser sanction where dismissal is appropriate.
50. We have properly and proportionately balanced ACC Sutcliffe's personal mitigation against the public interest when considering our recommendation for outcome. We believe we have taken all relevant matters into consideration when reaching this recommendation. We have spent time looking at and considering both character testimonials, the press coverage and importantly what T/Supt Jackson says, and have assessed the weight to be given to all this evidence. We stress we have followed the guidance from *Williams* at [66]-[68] with reference to the appropriate weight to be given to personal mitigation, even in non-dishonesty misconduct cases:

[66] In my judgment, the importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation. Gross misconduct involving dishonesty or lack of integrity will by its very nature be a serious threat: save perhaps in wholly

exceptional circumstances, the public could have no confidence in a police force which allowed a convicted fraudster to continue in service. Gross misconduct involving a lack of integrity will often also be a serious threat. But other forms of gross misconduct may also pose a serious threat, and breach of any of the Standards may be capable of causing great harm to the public's confidence in and respect for the police.

[67] This does not mean, of course, that personal mitigation is to be ignored. Nothing in the Salter principle suggests it must be ignored. On the contrary, it must always be taken into account. I therefore reject the submission that the effect of the Salter principle is that dismissal will invariably be the sanction whenever gross misconduct is proved. But where the gross misconduct threatens the maintenance of public confidence and respect in the police – as gross misconduct often will - the weight which can be given to personal mitigation will be less than would be the case if there were no such threat, and if the disciplinary body were a court imposing a punishment. Whether the circumstances are such that the sanction of dismissal is necessary will be a fact specific decision: where the facts show dishonesty, case law establishes that dismissal will almost always be necessary, and dismissal will often also be necessary where there (*sic*) the misconduct involves a lack of integrity; where the facts show that one of the other Standards has been breached, the appropriate outcome will depend on an assessment of all the circumstances, with proper emphasis being given to the strong public interest in the maintenance of respect and confidence in the police and consequentially less weight being given to personal mitigation.

[68] A police misconduct panel considering what sanction to impose following a finding of gross misconduct must therefore always have in mind the importance of the public interest in maintaining public confidence in and respect for the police service. The necessary consequence is that the personal mitigation available to the defaulting police officer, however impressive, cannot carry the same weight as it might do in a different context.

51. We also weigh up the harm done to the public interest by the reporting of this matter. Even if there had been no media coverage there would have been a risk of exposure. Would the situation be different had the reportage been accurate? GMP would still have been brought into disrepute, perhaps even more so, because the prolonged aggressive bullying and insulting behaviour on ACC Sutcliffe's part is, in our opinion, far more serious than the exposure of a part of her anatomy.

52. We have assessed the likely effect on public confidence and respect, and on the standing of the police service, of imposing a lesser sanction than dismissal on a senior officer who has been found guilty of gross misconduct. We have taken all relevant matters into account, and carefully considered whether it would be possible to deal with the case by way of final written warning rather than by dismissal.
53. On the basis of the submissions made to us and the information placed before us, and noting that Ms Barton QC, on behalf of the Appropriate Authority, made no submissions to us on the point of sanction and did not challenge any of the submissions of leading counsel for ACC Sutcliffe in that respect, we have decided to recommend that the sanction should be a final written warning.
54. But we point out that we reject the description of ACC Sutcliffe's conduct that night as merely unkind. Rather it was aggressive, bullying and cruel. It damaged the self-esteem of the more junior officer and caused her great hurt. Such hurt had continued to the time when her statement was given in July 2016. Although T/Supt Jackson's impact statement focuses mainly on the impact of press coverage upon her, it was ACC Sutcliffe's behaviour which opened up the risk that such reportage would occur, even of a salacious and inaccurate nature. We note also that we were not provided with any detailed information about the present condition of T/Supt Jackson and any continuing adverse effects on her health or wellbeing. However, leading counsel for ACC Sutcliffe told us that T/Supt Jackson has left GMP, and has been promoted to the substantive rank of Superintendent in Cumbria Constabulary where she now works. We have assumed that there are no material continuing adverse effects on her. We say here that the position of T/Supt Jackson in these respects is a factor which we have placed in the balance in coming to our recommendation as to sanction.
55. The story in the press eclipsed the good work done by the Senior Women in Policing conference. It damaged and ridiculed the reputation of the individuals involved, of GMP and of policing nationally. ACC Sutcliffe let herself down. Her behaviour fell far below the conduct to be expected of any officer and particularly of a role model of her rank.
56. However, we accept that she has worked to try to rehabilitate herself and achieve greater self-knowledge. We accept the evidence we have heard about the pressures upon her prior to the conference. We find she must have been extremely ashamed and humiliated during the months she was suspended.
57. Whilst the panel's censure of ACC Sutcliffe's admitted disgraceful behaviour on the night in question – a material breach of the College of Policing's Code of

Ethics - is severe, it is accepted that it was quite out of character and probably largely the result of an extraordinary confluence of very great pressures.

58. It is essential that chief officers in particular behave well. Even though on the night in question ACC Sutcliffe's behaviour towards T/Supt Jackson was observed by very few people, in reality, in high leadership positions, everyone is watching. And this case has attracted very great publicity, some of it highly inaccurate or distorted. Chief officers must also take the most assiduous steps to guard against any loss of self-control. They must always understand and acknowledge the harm that such failures can do to the standing of the police force and policing as a whole.
59. This case has taken ACC Sutcliffe to the very precipice of dismissal. What has saved her from that final sanction are (a) her contrition, (b) the steps she has taken and must continue to take to reform herself, (c) the severe damage she has done to her career prospects (d) the very high professional esteem in which she is justly held, as evidenced by over one hundred testimonials, and (e) the absence of any appreciable continuing adverse effect on the health, wellbeing and career of T/Supt Jackson.
60. Public confidence in policing does not, in this case, require the dismissal of the officer. The censure of this panel, the recommendations it will make, and the other consequences which ACC Sutcliffe has faced as a result of her actions are sufficient to restore public confidence. However, let there be no doubt amongst senior officers that had the balance of the factors in this case – particularly the distinguished record of achievement of this officer – been even slightly different, a chief officer's career would have been cut suddenly short. A chief officer with a weaker record, whose loss would not be so severely felt by the public, would not have been able to survive this.

Recommendations pursuant to Regulation 33(16)(d) in relation to any other matters arising out of the proceedings which the Panel desires to bring to the notice of the Appropriate Authority.

Recommendation 1 – Alcohol policy

61. We found it remarkable that the chief constable, having observed that ACC Sutcliffe was drunk at approximately 2 am (and assumed that she was about to leave, hence his request to T/Supt Jackson to see her to her hotel), did not take steps which would have ensured that she did not go back on duty before she was sober. The evidence before the panel was that ACC Sutcliffe – a senior

officer responsible for counter-terrorism and serious and organised crime – was back on duty only a few hours later. Leading counsel for ACC Sutcliffe correctly reminded us that ACC Sutcliffe had not been charged with being drunk on duty.

62. We do not know that ACC Sutcliffe was still drunk when she went back on duty, but we find it hard to believe that someone who was, by her own admission, very drunk at 2am or 3am could be sufficiently sober by 8am or 10am the same day, and in a fit state to discharge the duties which she had.
63. We refer to GMP'S March 2016 Alcohol and Drug Misuse Policy, and in particular para 5.4: *“There are certain posts where staff must not consume any alcohol at all either before starting duty or during breaks. We decide what these posts are by doing a risk assessment. The Safety Critical Roles are listed in the Alcohol and Drug Testing Policy.”*
64. We recommend that GMP reconsiders its risk assessments of chief officer roles, in particular those which include responsibilities of a safety-critical nature such as those carried by ACC Sutcliffe on 6 May 2016.
65. We recommend that an officer should be considered unfit for duty through drink, drugs or other factors if he or she is (a) unable to carry out his or her duties, (b) unable to carry out any duty which he or she could reasonably be expected to perform, or (c) in a condition which is likely to bring the force or the police service into disrepute.
66. We further recommend that any senior officer who observes or otherwise has knowledge that another officer is unfit in the stated respects and to the stated extent should be assiduous in discharging his or her duty to ensure that the unfit officer does not return to duty in the condition in question.

Recommendation 2 – Effect on T/Supt Jackson

67. Before taking a final decision in this case, we recommend that the appropriate authority obtains and considers up-to-date information about the continuing effects, if any, of the events of 6 May 2016 on T/Supt Jackson's health, wellbeing and other relevant matters.

Recommendation 3 – Raising concerns about stress

68. We heard some evidence in the hearing about how chief officers working under significant pressure would find it difficult themselves to raise concerns about such matters. Therefore we recommend that GMP should review the adequacy and effectiveness of its current mechanisms for officers, including chief officers, to raise concerns, in particular about their own and fellow officers' capacity to cope with stress.
69. In conclusion we note that it is our wish that this report be made available to the public.

Rachel Crasnow QC

HM Chief Inspector of Constabulary Sir Thomas Winsor

Alastair Cannon

9 December 2016