

## IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE MINISTRY OF DEFENCE POLICE (CONDUCT, PERFORMANCE AND APPEALS TRIBUNALS) REGULATIONS 2020

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### IN THE MATTER OF: **FPC Navdeep Sekhon**

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#### **DECISION OF THE PANEL**

Chief Constable Kier Pritchard (Chair)

#### **INTRODUCTION**

This case has been dealt with as an Accelerated Misconduct Hearing as this former officer has resigned and now left the MDP.

I am satisfied from the outset of this hearing that there was sufficient evidence, to establish on the balance of probabilities, that the conduct of this former officer concerned constituted gross misconduct; and that it was in the public interest to proceed as an accelerated hearing.

The hearing took place on the 26<sup>th</sup> November 2025 at the MDP Headquarters at RAF Wyton. I presided over the hearing with the support of Mr Darren Snow, counsel, acting as legal adviser. The regulated authority, the MDP, were represented by Ms Victoria von Wachter, counsel. Former PC Sekhon was not represented and did not attend his hearing.

I was satisfied that this hearing should proceed in the absence of former PC Sekhon. The officer provided his Reg 54 written response dated 7/10/25. He accepted that his conduct amounts to gross misconduct. He stated as follows:

*I can confirm that I do not wish to engage in the process and do not wish to attend the hearing. Also, I would like to confirm that I resigned from my position and my last day of service was Saturday 20th September.*

I am satisfied that he had notice of this hearing and has chosen not to participate further in the proceedings or attend his hearing. I consider it appropriate and in the public interest to proceed in his absence in these circumstances.

I have reminded myself that the purpose of the police misconduct regime is threefold:

1. to maintain public confidence in, and the reputation of, the police service
2. to uphold high standards in policing and to deter misconduct

### 3. to protect the public

I have these principals in mind throughout my consideration of this case, my findings and decision on outcome.

In my determination of this case, I am required to firstly decide on the facts, on balance of probabilities. I must then decide if on any facts found proved the professional standard(s) are breached. If I find there has been a breach, I go on to consider if the facts amount to misconduct or gross misconduct. If I find misconduct or gross misconduct I go on to consider Outcome.

## **THE ALLEGATIONS**

Former PC Sekhon faced the following allegation – as an alleged breach of the professional standard of Discreditable Conduct:

You have been convicted of a serious criminal offence, your conduct has fallen below the required standards contrary to: MOD Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (2024), The Police Standards of Professional Behaviour and The Police Code of Ethics 2024.

The MOD Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 state that Police Officers should demonstrate the highest standards of professional behaviour including: Discreditable Conduct - MDP officers are expected to act in a manner which does not bring discredit to on the police service or undermine public confidence in policing.

The specific facts relate to the officer's conviction for an offence under s.66 Sexual Offences Act 2003. The particulars of the offence as recorded by the Magistrates Court are:

On 17/8/2025 in a public place committed an act outraging public decency by behaving in an indecent manner, namely masturbating in St Nicholas Park.

## **THE FACTS OF THE CONVICTION**

On Sunday 17th August 2025 at 16:53 hours at St Nicholas Park, Warwick a member of the public observed former PC Sekhon exposing himself and engaged in an act of masturbation in a public park. The eye witness details that she observed a male making strange hand gestures, she saw that the male was masturbating. She knew this to be the case as she saw the male's penis in his hand. She videoed the male on her phone.

Warwickshire Police were contacted. PC Sekhon was traced nearby and arrested. He was charged with an offence of outraging public decency. He appeared at Coventry Magistrates Court on Monday 18th August 2025. The officer pleaded guilty to the offence and was convicted. He was fined £150.00.

On Tuesday 19th August 2025 PC Sekhon sent an email to his line manager stating that due to mental health and personal issues he would be taking a leave of

absence. A further email was then received where he resigned from the MDP. He did not report to MDP the fact he had been arrested nor convicted and sentenced for a criminal offence.

As standard practice there was a PNC check. This revealed that the officer had been convicted of outraging public decency on the 18th August 2025. The officer was suspended from duty. The MDP investigated and received the police evidential package from Warwickshire Police providing an eye witness statement, video footage taken and the crime report. This material is all within the bundle for this hearing.

Investigations established that former PC Sekhon did not provide his employers details at his time of arrest, he advised he was unemployed – which was clearly a lie. Therefore, I note that he was arrested, questioned, convicted and sentenced without disclosing he was a police officer. Furthermore, he failed to disclose either his arrest or conviction to the MDP.

## **THE FORMER OFFICERS RESPONSE**

Former PC Sekhon does not deny his conviction nor the alleged background facts. In his Regulation 54 Response he admits that his conduct amounted to Gross Misconduct.

In his reply the former officer sets out a number of disputed facts with the underlying prosecution evidence but no dispute to the specific act alleged of masturbation in public, his conviction nor sentence. Nor does he appear to dispute the failure to identify himself as a police officer or to report his arrest and conviction to the MDP.

I note that there was no Newton Hearing in the criminal case so to all intents he has been sentenced on full facts. I do not feel compelled to resolve factual disputes of the offence as it is the fact of the conviction itself for the offence, where he pleaded guilty, combined with the failure to notify the police, court nor the MDP that he was a police officer, that are the significant issues here. There is no dispute to those facts.

In his response he sets out a series of events at the material time impacting upon his personal life effecting his family which are clearly serious. These events relate to his family and are to be treated as evidence in Private. They are background and do not require repeat here, but I make clear I have considered them.

Former PC Sekhon added this additional section within his Regulation 54 Response, namely: "Following my arrest I was interviewed and made a full confession, however, did not disclose that I was a serving police officer, I only wanted to protect the reputation of the MDP and fully accept this was dishonest".

## **DISCREDITABLE CONDUCT**

I have reminded myself that the Standards of Professional Behaviour are a statement of the expectations that the police and the public have of how police officers should behave. They enable everybody to know what type of conduct by a police officer is acceptable and what is unacceptable.

This is a criminal offence committed whilst off duty. Guidance makes clear that a police officer is always subject to the Standards of Professional Behaviour even when off-duty. As such police officers should not behave in a manner that discredits the police service or undermines public confidence at any time.

Discreditable Conduct is defined as follows:

“Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty. Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.”

Discredit can be brought on the police by an act itself or because public confidence in the police is undermined, or is perceived to be undermined. The former officer’s conviction and sentence is a matter of fact in this case. The non-disclosure that he was a police officer is also a matter of fact.

## **FINDINGS**

Whilst the officer has admitted that his conduct amounts to Gross Misconduct, I am required to assess the evidence before me and reach a decision on balance of probabilities if the professional standard of Discreditable Conduct has been breached. I will then go on to consider if any breach amounts to misconduct or gross misconduct.

The standard of proof is the balance of probabilities and the burden of proof at all times upon the Appropriate Authority. This is a criminal conviction case. The former officer has not at any stage sought to challenge the conviction nor the offence committed.

The underlying facts are proved by the conviction. The officer pleaded guilty. The facts are abhorrent. I am satisfied that this was committed in a public space, it was witnessed and I find from the evidence of the eye witness, on balance, children were in the vicinity even though I cannot find that children witnessed his behaviour but that risk certainly existed in a public park.

Upon arrest this officer did not disclose he was a police officer nor did he disclose this at the Magistrates Court, where he pleaded guilty. He was, in my opinion, sentenced leniently. The Court were unaware he was a police officer. Even with a guilty plea that was likely to have been an aggravating factor in sentencing if known. I therefore find that PC Sekhon committed a serious criminal offence, failed to disclose he was a police officer and failed to report that conviction to the MDP. I have no hesitation in finding that this officer’s conduct amounted to a serious breach of the professional standard for Discreditable Conduct. This behaviour was appalling, high risk and very difficult to comprehend. I find that this conviction and its underlying facts will damage the public confidence in the police and risk discrediting the police service. The sexual misconduct involved was on its own a significant breach of this standard regardless of conviction but it is in my opinion then aggravated by the subsequent failures to disclose to the police when arrested, or at

court, that he was a police officer. He then further aggravated matters by his failure to report the conviction to the MDP.

I have taken note of the explanation provided by the officer in his written response but this really does not provide any real explanation for his behaviour nor amount to significant mitigation.

I am satisfied that on balance of probability the professional standard of Discreditable Conduct is breached.

I have then gone on to consider if the former officers behaviour amounts to either misconduct or gross misconduct. I have reminded myself of the respective definitions:

Misconduct, within the Conduct Regulations, is a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.

Gross Misconduct, gross misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal

I find the underlying facts make this a serious case; the former officer has masturbated in a public park. He was witnessed. As a police officer he would have known not only was this a criminal act but also if discovered there was potential for arrest and for significant damage to the publics trust and confidence in the police service. He chose to withhold the fact he was a police officer upon arrest and at court. He has also not reported his arrest and conviction to the MDP. It was only discovered after he had resigned. I do not accept that a sexual offence of this nature can ever be considered a minor conviction for a police officer even though dealt with in the Magistrates Court. When combined with the failure to disclose his status as a police officer and failure to report his situation to the MDP there are significant aggravating issues.

The facts of this case are so serious in my opinion to amount to Gross Misconduct.

## **OUTCOME**

Having found Gross Misconduct in respect of a former police officer, I can only consider two outcomes: disciplinary action or no disciplinary action. Where the finding is gross misconduct and disciplinary action would have been imposed, this can only be that the former officer would have been dismissed if still serving. No other sanctions can be enforced. If the finding is gross misconduct and I determine that dismissal is not justified, then no action will be taken but the gross misconduct will be recorded.

There is now a presumption in force that upon a finding of gross misconduct a serving police officer will be dismissed save for exceptional reasons. I have found no exceptional circumstances to counter that presumption. My views on this case, its seriousness and aggravating features are set out above.

In considering outcome I have followed the College of Policing Guidance on Outcomes.

It is important to understand that the officers non participation at this accelerated hearing does not alter my approach to outcome. I have followed the outcomes guidance in assessing seriousness, harm, aggravating and mitigating factors before

reaching a final decision on outcome – which in this case rests upon the question whether the officer would or would not have been dismissed if still serving

I find that Culpability of the former officer is High. He has chosen to behave in this manner in full knowledge it is a criminal offence and that if discovered, as he was, it would damage the public's trust and confidence in the police service. I have already expressed the view this behaviour was abhorrent. His behaviour in the park was witnessed by a female member of public who described being shocked by what she saw. The risk of harm to the public's confidence in policing is obvious with this type of behaviour. It was clearly in my opinion reprehensible behaviour. He has then been convicted and chosen to withhold the fact he was a police officer. That was intentional and the implications would have been obvious to him.

I have considered the specific outcomes guidance in respect of criminal convictions and sexual impropriety. It is made very clear that it is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves. I also remind myself that the guidance specifically states - The sentence imposed by the criminal court is not necessarily a reliable guide to seriousness in misconduct proceedings, which are principally directed towards maintaining public confidence.... A relatively minor criminal offence may be of the utmost gravity in the professional context.

In my opinion that is important guidance in a case like this where the underlying summary offence may be considered as a relatively minor sexual offence and the sentence may be considered lenient. I do find that the conviction here is of significant gravity because of the damage it would cause to public confidence were it known that the offender was a serving police officer.

Whilst I have considered the officers written response and details of his personal issues at the time they do not in my opinion really amount to mitigation for the underlying behaviour or his failure to disclose that he was a police officer. I have explained above that I find that subsequent non-disclosure to be an aggravating feature. I do acknowledge that the officer pleaded guilty at the first opportunity, that goes to his credit and avoid a trial. I can also understand the pressure of that situation on the officer in terms of realisation by him of the impact upon his career and potentially his family life.

I have had sight of the officer's antecedent history. It is unremarkable and is not in my opinion sufficient to affect my assessment of seriousness and/or outcome.

Were this officer still serving I am satisfied that disciplinary action would be appropriate. In the circumstances of this case dismissal without notice would have been the appropriate outcome if he had still been a serving officer. The underlying misconduct is so serious that the public would be appalled by it. In my opinion the facts of this criminal offence and the failure to disclose he was a police officer and/or report the conviction to MDP it is far too serious to have justified any other outcome than dismissal. I make clear, that in my view, even had there been full disclosure from the outset that he was a police officer my decision on Outcome would still have been dismissal without notice.

## **OTHER MATTERS**

There will be a PNC flag and a marker placed on the police national database with this outcome.

## **PUBLICATION**

I have considered whether this decision should be made public or not. I have noted the former officer's representations in his Reg 54 Response that he requests any publication is "sanitised" to protect his and his wife's reputations. I remind myself that his conviction and the underlying facts would be a matter of public record. This is a criminal conviction for a sexual offence and as such a serious case of police misconduct. I find that it is in the public interest that the decision is made public. Open justice is a fundamental principle of police misconduct proceedings and I find no justification in this case to not publish this decision or the underlying facts. There is, in my view, a clear public interest in publication for a case of this nature.