

IN THE MATTER OF MISCONDUCT PROCEEDINGS
THE MINISTRY OF DEFENCE POLICE (CONDUCT, PERFORMANCE AND
APPEALS TRIBUNALS) REGULATIONS 2020

B E T W E E N:

MINISTRY OF DEFENCE

Relevant Authority

-and-

PC JAKE GRAFTON

Officer Concerned

1. This hearing was held between the 13-22 May 2026 at The Ministry of Defence Police (MDP) HQ - RAF Wyton. The Panel consisted of ACC Trevor Clark (Chair) and Independent Panel Members Witness Alison Abu and Mr Mark Dent. Ms Dale Simon was the Legally Qualified Advisor to the Panel.

2. The Relevant Authority (RA) was represented by Mr Conor Monighan and PC Grafton was represented by Mr Nicholas Corsellis KC.

PRELIMINARY ISSUES

3. In accordance with the directions made at the pre-hearing the hearing was held in public.

4. On the morning of 18 May 2026. The Panel were informed that the witness Mr Duncan Roberts would not be attending the hearing to give oral evidence, counsel had agreed that his written statement was admissible, however, counsel for PC Grafton confirmed that he would be making submissions on the weight that the Panel should attach to his evidence.

5. Counsel for the RA made an application for reporting restrictions to be imposed to protect the identity of the complainant, considering the sexual nature of the allegations. The application was not opposed, and it was directed that the complainant would be referred to as 'Witness A' in any published reports.
6. Counsel for the RA also made an unopposed application to amend the date of the allegations in the Regulation 29 notice, from the '8 February 2023' to the '8 December 2023' in order to correct an error. The application was granted.

THE ALLEGATIONS

7. The allegations against PC Grafton are contained within the Regulation 29 notice, served on him under the MDP (Conduct, Performance and Appeals Tribunals) Regulations 2020 (The Regulations). These are:

Allegation 1

It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you were aggressive to a member of the public called Mr Ben Blackmore – including by backing Mr Blackmore into a corner, telling him to 'fuck off', using an aggressive tone and/ or raising your voice.

Allegation 2

It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you used homophobic language towards a member of the public called Mr Ben Blackmore – including by saying words to the effect of "FUCK OFF YOU FAGGOT, STAY AWAY FROM MY ARSE".

Allegation 3

It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you harassed and/ or sexually harassed a female member of staff called 'Witness A' including by repeatedly asking for her phone number despite her having made clear that she did not wish to provide it, and/ or by banging on the window/ door of the pub at the end of the evening.

Allegation 4

It is alleged that on 8 December 2023, whilst at the Village Freehouse (Sailsbury), you assaulted and/ or sexually assaulted a female member of staff called Witness A, namely by putting your arm around her waist and / or by then grabbing her right wrist to stop her from walking away.

Allegation 5

It is alleged that on 8 December 2023 you were reckless as to whether your alcohol consumption would render you unfit for duty early the next morning. You are referred to the Force's policy on Substance Misuse and Testing.

Professional Standards

8. The Reg 29 notice stated that 'It is alleged that your conduct as alleged, either individually or cumulatively, breached the following Standards of Professional Behaviour':

i. Authority, Respect and Courtesy:

You failed to act with self-control and tolerance and failed to treat members of the public with respect and courtesy. You abused your power by behaving in the manner set out above despite knowing that a colleague had identified you as a police officer to those in the Village pub.

ii. Equality and Diversity:

You failed to act with fairness and impartiality, and without unlawful discrimination/ unfairness.

iii. Use of Force:

By assaulting 'Witness A' you did not use necessary, proportionate and/ or reasonable force.

iv. Orders and Instructions:

You failed to abide by police regulations, force policies and lawful orders.

v. Duties and Responsibilities:

You failed to be diligent in the exercise of your duties and responsibilities because you were unfit to perform them by reason of alcohol consumption and/ or were reckless as to whether you could do so.

- vi. Fitness for duty: You were not fit to be on duty and to carry out your responsibilities on the morning of 9 December 2023 and/ or were reckless as to whether you would be.*
- vii. Discreditable conduct: You behaved in a manner which discredited the police service and undermined public confidence in it.*

CASE SUMMARY

9. At some point in the afternoon of 8 December 2023, PC Grafton joined a large group of colleagues from a different shift pattern to his own, to celebrate Christmas at a Weatherspoon's Pub. PC Grafton and two officers from the larger group visited another two pubs where they continued to consume alcohol. It is alleged that whilst at the third pub (the Village Free House), PC Grafton acted in an aggressive manner towards a member of the public called Tom Blackmore and/or made a homophobic comment towards him. It is also alleged that PC Grafton harassed a female member of staff (Witness A) and assaulted her.
10. PC Grafton was employed as an Authorised Firearms Officer (AFO) in the MDP and was scheduled to start a shift at 5.45am on 9 December 2023 at his normal place of duty. It is alleged that he was reckless as to whether he would be unfit for duty the following morning, by reason of his excessive alcohol consumption.
11. PC Grafton denied all the allegations against him and that his conduct amounts to misconduct or gross misconduct.

EVIDENCE

12. In advance of this hearing the Panel was supplied with the documents in accordance with the Regulations, which included a copy of the papers served on PC Grafton in accordance with Regulation 29 and PC Grafton's response to the RA under Regulation 30. In determining the facts in this case, the Panel had regard to:
 - a. All documents and materials in the hearing bundle, the Regulation 29 notice and Regulation 30 response whether they were explicitly referred to or not during the hearing.
 - b. The oral evidence of Witness A, Mr Benjamin Blackmore, Mr Thomas Court, Former PC (FPC)Hewitt, PS Whereat and PC Grafton,
 - c. The submissions made on behalf of the RA and PC Grafton.
 - d. The legal advice provided by the LQA

THE PANEL'S APPROACH

13. The Panel has had regard to the fact that the burden of proof in this case is on the RA and that the civil standard applies, namely proof on the balance of probabilities. In line with the principle derived from *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*, the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.
14. The Panel was also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence and that their veracity should be tested by

reference to objective facts proved independently in their evidence, in particular by reference to the documents in the case. The Panel also reminded itself that it should make a rounded assessment of a witness's reliability, rather than approaching their reliability in respect of each charge in isolation from the others: *R (on the application of Dutta) v GMC [2020] EWHC 1974 (Admin)*.

15. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, the Panel must not speculate about what other evidence there might have been.
16. The Panel also bore in mind that the case of *Joseph v GMC [2022] EWHC 3345 (Admin)* also reminds Panels that “*Where memory is concerned, strength and vividness are not a reliable indicator of accuracy, the process of litigation itself creates biases, emotion and rationalisation must be allowed for, and demeanour is not a sure guide to truthfulness.*” The Panel was also mindful of the extent to which the passage of time may have affected a witness’s memory and that memories can fade with the passage of time. Recollections may change or may become confused as to what did or did not happen at a particular time. It has borne in mind that an honest witness can be mistaken, and a mistaken witness is not necessarily wrong about every fact. The Panel also noted that with the exception of Witness A. All 6 witnesses (including the officer) had been drinking and were all intoxicated with alcohol. The Panel concluded this may have also impacted on the witness’s recollection of events and as such their reliability as a witness.
17. The Panel noted that in relation to the disputed allegations, the evidence of all of the witnesses and the Officer’s version of events are fundamentally irreconcilable in many different respects, in that the Officer denies that the incidents in question ever took place, and the witnesses all attest to something different, but the witnesses accounts are also largely inconsistent with each other. Therefore, in determining whether the RA has discharged its burden of proof, the Panel carefully considered the reliability of the witness’s accounts, by

determining whether the witness' oral and written evidence was consistent, and the extent to which it was consistent with other evidence presented.

18. The Panel first assessed the overall credibility of all witnesses, and the Officer and made some general findings.

PS Whereat

19. The Panel found PS Whereat to be a truthful and unbiased witness whose reliability may have been impacted by his consumption of alcohol, particularly in terms of the gaps in his memory. He gave evidence that was consistent with his statements. He was clear and open when explaining his alcohol consumption on the day in question. He was clear in recollection about some events and admitted when he was unsure about others.

FPC Hewitt

20. The Panel found FPC Hewitt to be a truthful and unbiased witness who gave oral evidence that was consistent with his statements. The reliability of his account may also have been impacted by his consumption of alcohol. He was clear in recollection about some events and admitted when he was unsure about others. His evidence was broadly consistent with that of PS Whereat.

Mr Blackmore

21. The Panel found Mr Blackmore to be truthful witness whose oral evidence was largely consistent with his statements. However, the Panel found that the reliability of his account may have been impacted by his consumption of alcohol and that the reliability of his evidence was undermined by the significant inconsistencies between his account; in respect of the allegations that the officer made a homophobic comment and acted aggressively towards him; and the evidence of Witness A, PS Whereat and FPC Hewitt who were all close enough to have seen and heard what occurred.

Mr Court

22. Mr Court was at the Village Pub in company with his husband Mr Blackmore. The Panel considered that Mr Court was truthful in his evidence, but as he was Mr Blackmore's husband, he was not an independent/impartial witness, therefore the Panel were only able to give limited weight to his evidence. The reliability of his evidence may also have been impacted by his consumption of alcohol and the passage of time between the alleged incidents and his first statement.

Witness A

23. Witness A gave evidence that was broadly consistent with her statements. However, the Panel found that her impartiality and credibility as a witness was significantly undermined by her introduction of new evidence/detail during the course of her oral evidence, in what the Panel considered to be a misguided attempt to support the evidence of Mr Blackmore and increase the seriousness of PC Grafton's alleged conduct. Further, the Panel found that her attempt to explain why there were differences between her account and that of Mr Blackmore tended to suggest that she was aware of the contents of Mr Blackmore's statement, which called into question her independence as a witness.

PC Grafton

24. The Panel did not find the officer to be a wholly truthful or plausible witness. There were inconsistencies in his written responses, his responses in interview and his oral evidence. His recollection of events may have been impacted by his consumption of alcohol and the passage of time. That said the burden of proving the allegations alleged remains on the RA.
25. Having assessed the credibility and reliability of the witnesses the Panel went on to consider each allegation of fact in turn.

FINDINGS OF FACT

Allegations 1 & 2: Aggression and Homophobic Comment to Mr Blackmore

26. The RA relies primarily on the evidence of Mr Blackmore to prove these allegations. Mr Blackmore made two statements, in his first statement dated 25 October 2024, he explains that on the evening of 8 December 2023, three officers attended the Village Pub, including a male called “Jake” [PC Grafton]. He had never met any of them before. PC Grafton was “*paying [Witness A] a lot of attention*” and therefore he went to check on her. Mr Blackmore said -

“When I went to the bar, I could see that Jake’s trousers were quite far down his backside. I said to him something like “YOU MIGHT WANT TO PULL UP YOUR TROUSERS, YOUR ARSE IS OUT”. His reply was “FUCK OFF YOU FAGGOT, STAY AWAY FROM MY ARSE”. He was drunk and walked towards me, backing me into a corner by the door. I was shocked and quite frightened”;

27. He also states that Male 2 came over, told PC Grafton to calm down, and apologised. Mr Blackmore went back to his husband, Thomas Court, and explained what had happened. About 20 minutes later PC Grafton came over and apologised. Mr Blackmore said he was going outside for a cigarette and offered one as a ‘peace offering’, which PC Grafton accepted.

28. Mr Blackmore gave his oral evidence via video link. He adopted his statements of the 25 October 2024 and the 26 February 2025 as his evidence. He confirmed that he had never met PC Grafton prior to the 8 December 2023 and that he had no reason to make his evidence up. He also stated that he only became aware that PC Grafton was a police officer when he was contacted by the investigating officer to make a statement. He stated that since the 8 December 2023 he had spoken to Adrian Leonard, Witness A, his husband Mr Court and Mr Roberts about the alleged incidents.

29. He stated that Mr Leonard had told him that he was encouraging Witness A to report what had happened to the police, because he wasn't happy about his staff being harassed. He stated that he had spoken to 'Witness A' a couple of times and she had encouraged him to report what she had heard PC Grafton say to him, however, he did not report the matter to the police and subsequently heard that Wiltshire Police had not proceeded with the criminal allegations made by Witness A, because there were no independent witnesses. He confirmed that his discussions about the incident did not affect the content of his statements, his statements were a record of what he remembered. He also confirmed that he had no negative feelings towards the police in general, he had never had to get too involved with the police and when he had they had been helpful.
30. He stated that he had 5-6 pints while at the Village Pub and that this was an average amount of drink for him, so he would have been "jolly" but his memory would not be affected. He stated that PC Grafton appeared to be drunk and his friends (FPC Hewitt and PS Whereat) apologised for his behaviour including when the "slur" was made. He clarified that PC Grafton appeared to be drunk because he was "*loud, boisterous and leeching and seemed to anger quickly*".
31. He stated that Witness A should have heard when PC Grafton made the homophobic slur because she was near the bar. He also stated that he told Witness A what PC Grafton had said to him on the 8 December 2023, when he and Mr Court decided to stay with her until the bar closed.
32. Mr Blackmore was shown a picture of the interior of the Village Pub. He confirmed that he and Mr Court were sitting in a booth area facing the bar a short distance behind the stools where the officers were sitting.
33. He stated that his tone was normal when he approached PC Grafton and told him about pulling up his trousers. He stated that he was not a stranger to the types of comments used by PC Grafton, but he was "a bit taken aback because he became aggressive very quickly". He stated that PC Grafton stepped towards him and he stepped back apologising, one of the officers then came over to

defuse the situation. He described this officer as being really nice and “*repeatedly apologised*”.

34. When asked how PC Grafton could have known that he was gay, he stated that he might have been affectionate towards his husband, or he might have just jumped to that conclusion because of his comment about his “arse”. He stated that Mr Court would have seen what happened, but he didn’t know if he heard what was said. He confirmed that he told Mr Court about the homophobic slur when he went back to his seat.
35. Mr Blackmore confirmed that PC Grafton did not make contact with him – “*he was taller and bigger than me – walked towards me- rather than standing my ground I walked back*”. He denied having a shot of alcohol, stating that he doesn’t mix beer and shots as it causes him to be violently ill. This confusion over drinks consumed was also feature in other witness’s evidence.
36. In response to cross examination Mr Blackmore confirmed that there was a lot of background noise in the pub when the “slur” was made. He stated that Witness A had encouraged him to make a complaint, the incident wasn’t serious enough for him to go to the police, but he was willing to back Witness A up because she had made a complaint. The slur didn’t deeply affect him but that didn’t mean that it should go unpunished. He confirmed that one of the officer’s with PC Grafton had got up on at least two occasions to apologise for PC Grafton’s behaviour. Mr Blackmore also stated that anyone at the bar would have heard the “slur” as they were close together, they also would have seen his aggressive behaviour if they were paying attention.
37. Mr Blackmore also stated that no one who observed the incident would think that the conversation was friendly or joking. He stated that when he approached PC Grafton “*he used words to the effect of*” the words in his statement. He stated that if PC Grafton had responded to him by saying “*If you want to lick my arse- you can just ask*” he would have laughed at that response, but he confirmed that this was not what PC Grafton said.

38. Mr Blackmore stated that he spoke to PC Grafton about his trousers because firstly he didn't want to see it (his exposed behind) and secondly because he was trying to be helpful and friendly. He confirmed that he didn't know how PC Grafton could have known that he was gay stating "*maybe he didn't know but either way he said it*".
39. Mr Blackmore confirmed that he does drink shots of tequila and sambuca, but not while he is out. If he had mixed the shots with his beer, he would feel ill and "*I would be less sober than I would like*". Mr Blackmore did not accept that the contents of his statement had been influenced by the fact that he was under the influence of alcohol, the passage of time between the alleged incident and his first statement (10 months) and the fact that he had conversations with others on multiple occasions.
40. Mr Blackmore stated that he did not remember speaking to Witness A outside the pub while he was smoking. He recalled an officer coming outside and apologising on PC Grafton's behalf. He did not recall being told that the 3 males were police officers, he also did not recall Witness A saying that she was thinking about getting her pepper spray out.
41. In response to re-examination Mr Blackmore confirmed that when the officer apologised on behalf of PC Grafton, he did not specify what he was apologising for. He had no recollection of the third male at the bar as he didn't interact with him.
42. Thomas Court, Mr Blackmore's husband, made two statements. In his first statement dated 6 November 2024 he explains he does not recall the exact time that the three Male's entered the Village pub, but it was after 8pm:
- "As Male 1 [PC Grafton] was talking to Witness A, he was leaning right forward, and his trousers were riding down his backside. / Ben walked over to Male 1 and tapped him on the shoulder and told him that his trousers were riding down. I can't remember the exact words used by Male 1 to reply, but he had an aggressive tone. Ben was quite taken aback and tried to explain that he didn't*

mean anything by it. Ben came back and sat with me and carried on trying to tell Male 1 that he didn't mean anything and tried to consol him. I was trying to keep the peace and asked Ben to stop".

43. Mr Court's further states that PC Grafton approached Mr Blackmore and asked him for a cigarette. Mr Blackmore agreed and they went outside. Mr Court wasn't comfortable, so he went outside as well:

"Male 1 was the only problem. Male 2 and Male 3 were no problem and tried to diffuse the situation and calm Male 1 down"

44. Mr Court gave his oral evidence via video link. He adopted his statements dated 6 November 2024 and 28 February 2025 as his evidence. He confirmed that he had never met PC Grafton prior to 8 December 2023 and that he was not aware that he was police officer until he was contacted to make a statement. He had a lot of respect for the police generally. He stated that hadn't discussed the case with anyone since making his statement as he worked in HR and understood the importance of not doing so.
45. He stated that he had drunk about 3-4 pints during the evening of 8 December 2023, which was not a huge amount for him, but he wouldn't have got in a car to drive, he maintained that his perception was not impaired by alcohol.
46. He stated that PC Grafton was sitting on a bar stool, leaning forward over the bar, as he did this his trousers had ridden down his bottom. PC Grafton responded in an aggressive way when Mr Blackmore spoke to him. He could not recall what was said, but Mr Blackmore was doing his best to calm the situation down and trying to apologise. He didn't hear what Mr Blackmore said to PC Grafton but believed that he wouldn't have been rude about it. He states that PC Grafton was aggressive when he moved towards Mr Blackmore, he didn't think that he (PC Grafton) was going to hit Mr Blackmore, but he felt uncomfortable. Mr Blackmore moved back. He could not hear what was said, but he remembers feeling uncomfortable and wanting to leave.

47. He stated that “faggot” is a word that gets thrown around but he didn’t think he would forget it if it was said. He subsequently, contradicted this response and stated that he wouldn’t necessarily remember if the comment was said because it is a comment that gets said frequently. He stated that the conversation between PC Grafton and Mr Blackmore was very short, about 10-15 seconds. He didn’t feel that Mr Blackmore was in physical danger. He thought that the older man (the other officer) would have intervened if necessary
48. Mr Court described himself as an introvert who would do anything to avoid confrontation. During the evening, he and Mr Blackmore went outside for cigarettes. At one point PC Grafton asked for a cigarette, Mr Blackmore said that he didn’t mean to offend PC Grafton. Mr Blackmore and PC Grafton went outside for a cigarette, and Mr Court joined them about 20 seconds later. He couldn’t recall the conversation outside the pub, but everything seemed to calm down, and they all went back into the pub and sat at their usual table.
49. In response to cross examination, Mr Court confirmed that the officers had their backs to him and Mr Blackmore while they were sitting on the barstools. He also did not recall them looking in the direction of his booth when they entered the pub. He did not accept that he had exaggerated his account of what happened on 8 December because he had discussed his evidence with Mr Blackmore after he (Mr Blackmore) had given evidence.
50. Mr Court stated that due to the height of the bar and the position of the pumps you must lean forward or sit up in order to speak to the person behind the bar. He confirmed that Mr Blackmore has spoken to people before about their trousers riding down. Mr Court didn’t think it was a bad thing to say.
51. Mr Court stated that PS Whereat and FPC Hewitt both tried to diffuse the situation when PC Grafton stepped towards Mr Blackmore. He did not recall Witness A coming outside while he, Mr Blackmore and PC Grafton were smoking outside. He confirmed that he would have heard what PC Grafton said to Mr Blackmore when he turned towards him, but he does not recall what was said, his takeaway was how uncomfortable he felt.

52. Witness A made three statements. In her first statement dated 16 January 2024 she states that she was working at the Village Pub on 8 December 2023 and was wearing a rude Christmas t-shirt. At around 9pm three men entered the pub and ordered drinks. After a short while Mr Blackmore approached Male 1 [PC Grafton] and said *'can you put your bum away'*:

"From my understanding his trousers were sagging down showing the crack of his bottom which was in constant eyeshot of both Ben and Tom. Male 1 replied 'if you want to lick my arse, you can just ask'. I thought that they were laughing about it and having a bit of a joke and popped into the kitchen to clear some glasses and re-stock. However, when I returned a few moments later, I found that the talking had become a bit heated between Ben and male 1. Both male 2 and 3 apologised for male 1's behaviour. Male 2 or male 3 said to male 1 to wind it in and stop it. The atmosphere became awkward, and it was clear that Ben and Tom were upset with what had been said".

53. She further states that Mr Blackmore explained to PC Grafton that he didn't want to upset him, but PC Grafton "just became angry". After a period, Mr Blackmore came to the bar and offered PC Grafton a cigarette. *"Male 1 replied 'fuck off leave me alone'. I said, 'that is enough'. PC Grafton said, 'I'm really sorry- let's go' and went with Ben for a cigarette"*. After PC Grafton and Mr Blackmore came back *"they were larking around like friends"*

54. In oral evidence Witness A (unprompted), sought to provide an explanation for the differences between her account and that of Mr Blackmore, she was asked to explain how she knew that their accounts were different, and she stated that she assumed they would be because they were at different sides of the pub. Witness A also stated for the first time that she had heard PC Grafton use the word "Faggot". She stated that the comment had not been made in her presence, but she had heard PC Grafton utter the word while she was in the kitchen. She did not see the officer utter the word but she "recognised his voice". She was asked why this information had not been included in her detailed statement and she stated that it was due to her difficult personal circumstances.

55. PS Whereat's first statement, dated 27 December 2023, states that PC Grafton engaged in several conversations with two men who were sat in the bar. PS Whereat states he was "*mainly talking with Paul Hewitt at the bar*". His second statement confirms that there was a period where he was not paying attention to PC Grafton.

56. In PS Whereat's third statement dated 2 May 2024 he states that he recalls a man coming up to the bar and:

"I think he told Jake to pull his trousers up as he could see the top of his pants. Jake kept leaning across the bar to speak to the bar staff and his trousers or jeans were riding down. I don't recall anything bad happening, I thought it was light-hearted. I didn't see Jake get angry or anything like that, I would have intervened.

It is possible that I missed things, I was not always paying attention to what Jake was doing. Plus I had consumed around 10-11 pints of cider over the afternoon and evening. Jake had already annoyed me with his behaviour in Deacons. He was making unnecessary arguments and being quite confrontational with me, so I tried to keep my distance and not engage with him" ... "I do not recall any altercation with anyone else" Had I witnessed anything I would have intervened and put a stop to it".

57. In oral evidence PS Whereat adopted his written statements as his evidence. He stated that he had no motivation to make things up about PC Grafton. At the time of the alleged incidents, he didn't have much to do with PC Grafton, he didn't work with him as they were on different sections. He stated that he had discussed the case with his wife but no one else. He hadn't seen any of the civilian witnesses before or since the 8 December 2023.

58. He stated that while the officers were at the Deacons Pub, PC Grafton became quite argumentative "*he wasn't happy with me*". He stated that everything he said to PC Grafton was thrown back at him and PC Grafton accused him of bullying another officer. He stated that over the course of the day and evening he had

consumed 10-11 pints approximately 1 pint per hour, this was a usual amount for a Christmas celebration. He described himself as being definitely under the influence but not staggering and still aware of what was going on. He stated that there were things that he couldn't remember but he could remember a lot of it "*as if I was back there now*".

59. He stated that he remembered Mr Blackmore coming up to PC Grafton and starting a conversation about his trousers. It was joking, jovial – making jokes about his trousers and how low they were. Music was playing in the pub. He was standing at the corner of the bar so he couldn't hear exactly what was said. Nothing was obstructing his view. He didn't hear a homophobic comment. He did not recall apologising to anyone about PC Grafton's behaviour.
60. In response to cross examination, PS Whereat confirmed that PC Grafton had been verbally aggressive to him, but he wasn't aggressive to anyone else.
61. In FPC Hewitt's third statement dated 17 October 2024 he states that:
"Male 1 [Mr Blackmore] approached PC Grafton and remarked that when he leant forward on the bar stool, he could see the top half of his backside. Male 1 had clearly been drinking, I can't remember what was said, I don't recall any arguments or anything. I wasn't worried about anything kicking off, after a while they were all laughing and joking.
I cannot say with absolute certainty that Jake didn't argue with Male 1, I didn't see anything, but I wasn't with Jake all the time. It is possible that something could have happened, and I just didn't see it".
62. In oral evidence FPC Hewitt adopted his written statements as his evidence. He stated that he had no motive to make anything up about PC Grafton there was no animosity between them. He recollected working with PC Grafton on at least one occasion. He stated that he had consumed 7-8 pints and possibly a couple of shots during the course of the afternoon and evening. This was a normal amount for a Christmas celebration. He stated that if he was unclear, he wouldn't put it in his statement.

63. He stated that when Mr Blackmore spoke to PC Grafton about his backside being exposed. PC Grafton stood up and started to have a conversation. They moved back from the stools but at no time was it physical or look heated. They were standing behind the stools slightly to left of FPC Hewitt, he couldn't hear what they said and he was "not interested". His focus was on having a Christmas drink and a laugh. He did not hear any homophobic comments.
64. He recollects that there was a juke box in the pub and that music was playing, but he can't recollect the volume of the music. He stated that he vapes, so he went outside the pub on occasion to smoke. He didn't think that he apologised for PC Grafton's behaviour while inside the pub. While outside he recollects apologising "*to smooth things over*" not because he had seen or heard PC Grafton do anything wrong. He was pretty sure that he didn't say they were police officers. After he spoke to Mr Blackmore outside the pub, Mr Blackmore went back into the pub and resumed the conversation with PC Grafton.
65. In an interview with PSD on 19 February 2025, PC Grafton stated:

"Rather than him being rude to Mr Blackmore, "Ben Blackmore was originally rude to me. When he come up to me, he said, "Put your ass away. Nobody wants to look at that." I said to him, "That's not how you approach someone that you have never met before and never spoke to." And he was taken aback because I challenged him and he said, "Oh, I am here with my husband. Would you like to come and meet him?" I said, "Yes, of course. Let's go and meet him." / I went over and chatted with him, and we got on really well all night, which is why this has affected me so badly"

He didn't know why the members of the public made things up against him or what they had to gain from it. Once Sgt Whereat informed the members of the public that they were officers the "*entire demeanour in the pub changed*"

66. In oral evidence PC Grafton adopted his Regulation 30 response and his interview with PSD as his evidence. PC Grafton stated that he had joined the

MDP in January 2020. When he joined the MDP, he had hoped to be stationed at Devonport near to where his friends and family live, consequently he felt particularly isolated, so he wanted to make new connections with officers at the station. At the time of the alleged incidents, he was living in rented accommodation near the Village Pub in Salisbury with three females.

67. He confirmed that he did have a conversation with PS Whereat in the Deacon's Pub during which he accused PS Whereat of being a bully. He stated that he raised this issue with PS Whereat because he wanted to set a boundary with him. PS Whereat was being overly nice and *"due to how he had treated Tom, I wanted him to know that we weren't going to be friends"*.
68. In respect of allegations 1 and 2 he maintained his denial of the allegations. He stated he didn't notice Mr Blackmore and his husband when he entered the pub. He first became aware of him when Mr Blackmore touched his shoulder and told him about his trousers. He spun around on the stool and pulled his trousers up. He was a bit surprised. He stood up when Mr Blackmore invited him over to his table to meet his husband. He chatted with Mr Blackmore and Mr Court but can't recall what they talked about. They went outside to vape, and the conversation was quite jovial. He did not recall PS Whereat or FPC Hewitt intervening in their conversation, he also did not recall FPC Hewitt or PS Whereat being outside while he was vaping.
69. He denied that Witness A served a round of tequila and sambuca when he went back into the pub. He stated that Mr Blackmore's account of him acting aggressively and using a homophobic slur was a lie. He maintained his denial of the allegations and stated that Witness A, Mr Blackmore, Mr Court and Mr Roberts were all lying.

Panel determination

Allegation 1

70. It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you were aggressive to a member of the public called Mr Ben Blackmore – including by backing Mr Blackmore into a corner, telling him to ‘fuck off’, using an aggressive tone and/ or raising your voice.
71. The panel find this allegation of fact not proven, the evidence relied on by the RA to prove this allegation of fact is so conflicted that it cannot support a finding on the balance of probabilities. Only one witness, Mr Blackmore, alleges this conduct, no other witness sees or hears this conduct despite being in close proximity and the only witness who is not intoxicated (Witness A) also did not hear or see this occur and provides a completely different account of this interaction.

Allegation 2

72. It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you used homophobic language towards a member of the public called Mr Ben Blackmore – including by saying words to the effect of “FUCK OFF YOU FAGGOT, STAY AWAY FROM MY ARSE”.
73. The Panel find this allegation of fact not proven on the balance of probabilities; there are irreconcilable differences between the accounts provided by the witnesses relied on by the RA to prove this allegation of fact. Only one witness, Mr Blackmore, alleges this conduct and the only witness who is not intoxicated (Witness A, did not hear or see this occur, but provided different account including what was said specifically and where the participants in this exchange were positioned in the pub.

74. Witness A provides a detailed account of the exchange between Mr Blackmore and PC Grafton in her first statement that makes no reference to use of the word “faggot”, and she also describes thinking that they were laughing and joking. In oral evidence she stated for the first time that she had heard the word “faggot” used, however, in the opinion of the panel her oral evidence on this issue and her explanation for not mentioning this detail before lacked plausibility. The Panel found it highly improbable that Witness A would be able to distinguish the voice of a man that she had just met from another room, similarly given the detailed nature of her statement it was highly improbable that she would have omitted to mention that she had heard Mr Blackmore being called a “faggot”.
75. FPC Hewitt did not hear what words were exchanged but he also describes the interaction as jovial.

Findings of Fact

Allegations 3 & 4: Harassment and Assault of Witness A

76. The RA relies primarily on the evidence of Witness A to prove these allegations. In Witness A's s first statement she states:

“Having ordered his drinks “Male 1 [PC Grafton] commented on my t-shirt saying ‘Oh my god look at your top’. He then gave me his phone. I said to him ‘what is this for’ he replied ‘to put your number in’. I replied that I was happily single and that I would not be giving him my number. This behaviour continued throughout the night, with him constantly asking for my number and giving me his phone to put my number in. He was quite drunk and being very annoying [...] He continued to repeat about his phone and getting my number every couple of minutes”;

After having had a confrontation with Mr Blackmore (described below) the Officer again *“repeated about getting my number and male 2 or male 3 said to him that ‘She’s not interested’. I needed to go and clear glasses from tables but did not feel safe enough to leave the confines of the bar”.*

“male 2 came to check on me and apologise for male 1’s behaviour. I said that he needs to stop before I have to get my pepper spray out. The male then told me that they were all police officers and that if he does anything silly he will lose his job. The male said, ‘nothing will happen’. I explained to him that I don’t expect to come into to work to look after a man child”;

She moved away from the men at the Bar. “Male 1 came to me again and asked if I had given him my real number”;

After a period, Mr Blackmore and Mr Court left. “Male 1 approached me to the front. He took the packet of cigarettes from my hand. He looked in the packet. I said, ‘they’re empty, probably one of the boy’s’. He then started to ask for number again;

“I have adjusted my position, and he was now stood to my side. He has then put his arm around the back of me around my waist. I did not feel comfortable about this and took a step back. I wanted to get out of the booth and was now facing towards him. He then grabbed my right wrist to stop me from walking away from him. I then pushed passed him and returned to the bar”;

“A regular/ friend, called Duncan Roberts, came out of the toilet and I asked him if he was able to stay [...] I went into the kitchen as I knew that male 1 would harass me when he came out of the toilet. I heard Duncan say ‘look you need to go now’. I came out of the kitchen and said, ‘what’s wrong’. Male 1 replied ‘your number’. Duncan shooed him out of the pub”;

“Before I knew it male 1 was trying to come back in, Duncan pushed the door closing him out and held it whilst I locked the door. Male 1 continued to bang on the door and windows for the next 20 minutes”;

Whilst on the way home she texted the landlord (Adrian) to explain there had been a problem, which she would discuss in the morning;

"I was very shaken by the situation and made me rethink my ability to work the late shifts that I do".

77. In Witness A's second statement, dated 7 March 2025 she states that she did not provide PC Grafton with her number or a fake number.
78. In oral evidence Witness A stated that PC Grafton, had asked her for her number consistently "every 3-4 minutes" while he in the Village pub, she also stated that he had tried to put his phone in her hand on 2 or 3 occasions. She said Mr Roberts had to push against the pub door to physically prevent PC Grafton from re-entering the pub while she got the key in order to lock the door. She also described PC Grafton banging on the pub door and windows for 20 minutes. She described feeling scared by this behaviour and asking Mr Roberts to stay while she cleaned up the vomit in the toilet. She stated that due to the time, she did not call the Landlord Mr Leonard, but she could not explain why she did not think to call the police.
79. In Mr Blackmores's first statement he states that PC Grafton *"was paying [Witness A] a lot of attention. I couldn't hear what he was saying to [Witness A], but it was clear she was uncomfortable and kept looking in our direction"*. As a consequence, he decided to *"check on Witness A and get another drink whilst I was there"*. After PC Grafton made the homophobic comment, and after he and PC Grafton had gone outside and returned, Mr Blackmore *"felt bad for [Witness A] as Jake just kept on at her. I didn't want to leave her on her own"*.

"The furthest Jake was from me was across the bar from the seating booth, about 10 feet and the closest was touching distance".

80. In Mr Court's first statement he states that the three Officers sat at the bar on stools directly in-front of him and Mr Blackmore. *"Male 1 [PC Grafton] was talking to [Witness A] a lot. I couldn't hear what was being said but I don't think she was liking it" ... "I had wanted to go home but wasn't comfortable leaving either Ben or [Witness A] on their own"*.

81. In oral evidence Mr Court confirmed that he couldn't hear what PC Grafton was saying to Witness A. He stated that he and Mr Blackmore don't feel comfortable leaving staff alone in the bar with strangers as there is no CCTV. He stated that Witness A had been hassled by other people that they didn't know in the past. He heard Witness A laugh nervously, so they decided not to leave until someone that they knew arrived. He had no recollection of Witness A or PS Whereat or FPC Hewitt coming outside the pub
82. In response to cross examination Mr Court confirmed that he did not know what was causing Witness A to laugh nervously. He also confirmed that Witness A did not say anything to him about PC Grafton's behaviour
83. Mr Duncan Roberts' statement dated 25 January 2024, states that he is a regular at the Village pub. At around 11:20pm on 8 December 2023 he went to the pub and noticed three men at the bar on stools:

"the young male sat in the middle of the three, male 1, [PC Grafton] was seeking [Witness A's] telephone number. He had become quite persistent about getting [Witness A's] number. [Witness A] at one point was in the kitchen getting ready to close up. Male 1 was shouting into the kitchen towards Witness A asking for her number. I said to male 1 something along the line of 'STOP IT MATE YOU'RE EMBARRASSING YOURSELF'. I think male 2 and male 3 who were sat with male 1, had left, or were in the process of leaving by this point. I then said to male 1 'come on time to go'. At around 2340hrs, Male 1 made his way to the door and out of the pub, it was clear that he had been drinking but did not appear to be slurring his words or unsteady on his feet. When he left male 1 was knocking on the door a bit, [Witness A] came over and locked the door. We could hear that male 1 was shouting from outside about getting [Witness A's] number. I offered to stay with [Witness A] until he had left. I popped my head out of the door at around 0000hrs, male 1 was no longer present"

84. Mr Roberts had provided a copy of the message that 'Witness A' sent her thanking her for helping her on the night, which stated at 00:53 hrs on 9th December 2023 – *"I'm home now, thanks for tonight, you are a gem! I've messaged Ade too x"*

85. In PS Whereat's first statement, he states that PC Grafton *"was engaged in several conversations with the female member of staff behind the bar"*; and that he was *"mainly talking with Paul Hewitt at the bar"*. In his second statement he describes PC Grafton's behaviour:

"His conversations with the female member of staff mainly consisted of him 'trying to chat her up' On several occasions he asked her out for a drink and at one point he handed her his phone so she could enter her personal phone number. She made it very clear from the outset that she was not interested, and she did not wish to form any kind of relationship with him. I do clearly remember at some point, looking over to the other bar counter and seeing her and GRAFTON stood right next to each other. They were both stood in front of this bar on the customer side. The side of his left body was in contact with the right side of her body. I could only see them from above their waists. They appeared to be just talking, and I paid no further attention to them. They were about 3 metres away from me. I wish to make it clear that at no point did I believe GRAFTON had 'crossed the line' yes, his behaviour was annoying and irritating but he did not appear to me as being threatening, aggressive or intimidating towards the female member of staff. It was clear that he had consumed a large amount of alcohol but then so had I. There were periods when I was not paying any attention to him and I did not hear all his conversations with persons in the bar"

86. In his third statement, PS Whereat reiterates that PC Grafton *"was clearly pestering the female bar staff"* but had PC Grafton *"crossed any lines"* he would have intervened.

87. In oral evidence PS Whereat stated that that PC Grafton was trying to chat up Witness A. He saw him giving her his phone. She was not interested and made

it quite clear early on. He was just joking and laughing and tried to ask her out numerous times after she had said no. He didn't remember him being threatening, he would be annoying, but he didn't see him being aggressive. He could not recall apologising to anyone for PC Grafton's behaviour. There was a point when Witness A and PC Grafton were both on the customer side of the bar. He saw them standing next to each other shoulder to shoulder. He didn't see PC Grafton put his arm around her waist or hold her wrist. He had no recollection of Witness A referring to using her pepper spray. He also did not recall disclosing that they were police officers, he *"wouldn't normally advertise that we were police if I was out consuming alcohol"*.

88. In response to cross examination PS Whereat stated that he didn't see any assault, struggling or distress. He stated that the three officers left the pub together at around midnight. PC Grafton walked with them for a few metres then he went off in the direction that they had just come from towards the pub.
89. In FPC Hewitt's second statement he states: *"Jake was asking the bar maid for her phone number and was quite persistent maybe asking two or three times to my knowledge, I wasn't particularly concerned as I did not see PC Grafton getting agitated or hear him raise his voice at any time. However, it did appear maybe a bit too persistent and could easily have become annoying to her. She handled the situation very well and to my knowledge remained courteous and calm throughout"*
90. In FPC Hewitt's third statement he confirms that PC Grafton *"was persistently asking out the bar maid"*.
91. In oral evidence FPC Hewitt stated that all the officer's spoke to Witness A at some stage. PC Grafton asked her about dating apps and asked her for her phone number. She said politely that she wasn't interested. He heard PC Grafton ask for her number at least twice. He recollects PC Grafton speaking to Witness A away from the bar also. He had a vague recollection of being outside with Witness A and Mr Blackmore while he was vaping. He had no recollection of her

mentioning pepper spray. He confirmed that he didn't see any physical contact between PC Grafton and Witness A.

92. Adrian Leonard provided a statement dated 8 July 2024 in which he states Witness A called him on the morning of 9 December 2022 and explained that three drunk men came into the pub. *“One of them, Jakes was a bit worse for wear and tried to come through the open hatch”*. Mr Leonard also spoke to Mr Roberts who told him that he [Mr Roberts] *“physically removed”* PC Grafton from the pub.
93. PC Grafton's Regulation 17 response states:
“The female member of staff flirted with me, and I reciprocated. I gave her my mobile phone, and she took it and entered her number to which point we both joked and laughed about it being a fake number. At no point did I make any physical contact with her”.
94. The Regulation 17 response also denies that he had returned to the Village Pub and banged on the windows/ door. In his interview with PSD, PC Grafton reiterated his denial and his account of Witness A flirting with him and him giving her his phone. He maintained that he only asked her for her phone number once. He also denied physically touching Witness A. He stated that he did not act in a way that could be misconstrued, and that he didn't know why the members of the public had made things up about him.
95. In oral evidence PC Grafton confirmed his written account of his conversation and interaction with Witness A. He confirmed that he only asked her for her phone number on one occasion. There had been some conversation with Witness A before he asked for her phone number. He stated that when they entered the pub no music was playing but FPC Hewitt put on some 80's music which remained on for a while.
96. Mr Blackmore and Mr Court left the pub after Mr Roberts arrived. He stated that he did speak to Witness A when she was in the main area of the pub, he spoke to her close to the pillar near the bar. He stated that he went to speak to her to

tell her that someone had been sick in the toilets. He denied having any physical contact with Witness A or being told to leave by Mr Roberts. When last orders were called, he left with FPC Hewitt and PS Whereat. He confirmed that he parted company with FPC Hewitt and PS Whereat, but he maintains that he went into Salisbury to get a kebab and that he did not return to the Village Pub.

Panel determination

Allegation 3

97. It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salisbury), you harassed and/ or sexually harassed a female member of staff called Witness A– including by repeatedly asking for her phone number despite her having made clear that she did not wish to provide it, and/or by banging on the window/ door of the pub at the end of the evening.
98. The Panel found this allegation of fact partially proven on the balance of probabilities on the basis that PC Grafton had harassed Witness A by persistently asking for her phone number after she had made it clear to him that she had no intention of giving him her number. The Panel found that although there was some variation between the witnesses as to the precise number of times that PC Grafton’s had requested the number the officers who were with him, Witness A and Mr Duncan all reference his requests as “persistent” and/or “annoying”. The Panel found that there was no evidence to support a finding that the harassment was sexual.
99. The Panel found the allegation that PC Grafton had banged on the door and the window of the pub, not proven on the balance of probabilities. The Panel noted that the RA relied on the evidence of Witness A and the written statement of Mr Roberts to prove this part of the allegation of fact. Having already found that Witness A was not a wholly impartial or credible witness, the Panel considered whether the statement of Mr Roberts could be relied on as corroborative evidence.

100. In determining, how much weight to give to the statement of Mr Roberts, the Panel had regard to the reasons given by Mr Roberts for not wishing to give oral evidence at this hearing. In an email dated 28 March 2026 he stated:

“.. I consider the part I'm being asked to give evidence on to be nothing more than the actions of a drunk person, who, in their defence, left when asked. It is not in my interest to stand and give evidence against a person I do not know, and who, apart from being drunk and foolish toward my friend, has done nothing to me.”

101. The Panel found that this description of PC Grafton's behaviour was in direct conflict with Mr Roberts statement; therefore, in the absence of an explanation for this discrepancy the panel were unable to place any weight on the statement of Mr Roberts.

Allegation 4

102. It is alleged that on 8 December 2023, whilst at the Village Freehouse (Salsbury), you assaulted and/ or sexually assaulted a female member of staff called 'Witness A', namely by putting your arm around her waist and / or by then grabbing her right wrist to stop her from walking away.

103. The Panel found this allegation not proven on the balance of probabilities. The RA relies solely on the evidence of Witness A to prove this allegation of assault. The panel noted that Witness A's account is not corroborated by any of the other witnesses in the bar, no other witness even saw witness A and the PC Grafton standing together in the seating booth where this conduct was alleged to have taken place.

Findings of Fact

Allegation 5: Consumed Excessive Alcohol, such that risked being Unfit for Duty

104. The RA relies primarily on PC Grafton's admissions in respect of the quantity of alcohol that he consumed on 8 December 2023, the evidence of witnesses who were present at the pubs that PC Grafton attended on 8 December 2023, and the MDP *Substance Misuse and Testing (inclusive alcohol and drugs) Policy and Procedures* to prove this allegation of fact.
105. Witness A's first statement she states that the officers arrived at approximately 9pm, and that PC Grafton "was quite drunk and being very annoying. In fact, he was intoxicated" She also states that after the incident between PC Grafton and Mr Blackmore "Ben, Tom and male 1 did a shot of tequila or sambuca I think"
106. Mr Blackmore's first statement provides that he believes that the officers arrived at around 9pm. They were all drinking "*and Jake looked like he had been drinking quite a lot*". He also describes PC Grafton as being "drunk" when he walked towards him.
107. Mr Court's first statement provides that he can't recall precisely when the officers arrived, but it would have been after 8pm. The officers were sitting directly in front of him and "*were all drinking*". He was in the pub for around 5 hours, 3 of which were in the presence of the Officers. In oral evidence he stated that he couldn't say how much PC Grafton had to drink. He could see they were all ordering drinks but couldn't say who was drinking what. "*I could see that they didn't look sober*".
108. Mr Roberts' statement provides that "it was clear [PC Grafton] had been drinking but did not appear to be slurring his words or unsteady on his feet."
109. PS Whereat's first statement provides that he saw PC Grafton drinking a pint of alcohol at the Deacons Pub and at the Village pub:

"I clearly remember buying [PC Grafton] a pint which I believe was Lager. We continued to consume alcohol until we were told it was 'last orders' I believe we had at least 2 rounds of drinks, possibly 3"...."Obviously I had consumed alcohol throughout the day, however, in my opinion, it was quite clear to me that GRAFTON had consumed alcohol that would have made him totally unfit for duty the following morning. I had absolutely no idea that GRAFTON was due in for a day shift the following day";

110. The statement further provides that when PS Whereat learned that PC Grafton had failed to attend for duty, *"initially I was confused and basically said that he could not have been due on Saturday as he was drinking with us during the afternoon and evening before"*. He informed Inspector Stagg of this.
111. PS Whereat's second statement confirms his first statement. It also explains that whilst he, PC Grafton and PC Hewitt were at the Deacons Pub *"I found GRAFTON to be quite argumentative for absolutely no reason. I would say something quite normal and he would immediately react in a rude and confrontational manner. After a time, I decided not to engage him in conversation as I felt uncomfortable with the way he spoke to me"*.
112. PS Whereat's third statement dated 17 October 2024 he reiterates that PC Grafton *"was making unnecessary arguments and being quite confrontational with me, so I tried to keep my distance and not engage with him"*.
113. In his fifth statement, dated 16 January 2026, PS Whereat confirms that he drank a large amount of alcohol but *"the pace was comfortable for me and at no point was I blind drunk. I stayed on my feet and did not vomit at any time"*. He confirms *"by the end of the night he most certainly would not have been fit to drive a vehicle or be fit for duty that morning"*
114. In oral evidence PS Whereat stated that PC Grafton had consumed alcohol at all three venues. He stated that he bought PC Grafton a round of drinks at the Deacons pub and they consumed 2-3 pints while they were there. He stated that

he had no idea that PC Grafton was working the next day. *"I didn't think he was just because of the amount of he was drinking"*. He also stated that he had asked PC Grafton to buy him a drink because *"I had bought him one"*.

115. In FPC Hewitt's first statement, he states that he does not work alongside PC Grafton very often but has a good relationship with him. He believes that himself, PC Grafton and PS Whereat had two drinks in the Deacons Pub *"I cannot remember exactly what GRAFTON drank but they were pint measures and alcoholic"*. Whilst at the Village Pub, the trio had *"two or three more drinks each before we left. Again, I cannot remember what GRAFTON was drinking but they were pints and alcoholic"*.
116. In FPC Hewitt's third statement, he states that the trio left the Village Pub at around 11:30 – 11:45 hrs. It also confirms that PC Grafton was drinking pints of beer in the second and third venue.
117. In a statement dated 7 January 2024 PC Mainwaring saw the Officer buy a pint of Corona beer whilst at the first venue. He also recalls a round of 'shots' being ordered to one of the tables and *"I believe it was GRAFTON that ordered them but I could not say for 100% certain"*.
118. In a statement dated 7 January 2024 PS James states that he believes PC Grafton drank alcohol whilst at the first venue and also that he believes the Officer ordered shots but cannot confirm.
119. In a statement dated 29 December 2023, PS Service states that on the afternoon of 8 December 2023 PC Grafton signed up to do an overtime shift at 05:45 – 17:45am on 9 December 2023.
120. PS Parker, a night duty officer, provides a statement dated 29 December 2023 explaining that at around 03:40 hrs on 9 December 2023 PC Grafton called and said he was unable to report for duty. PS Parker said that the Officer had volunteered for the overtime shift and it was now too late to find replacement

cover. PC Grafton said it was a rest day and he would return to a rest day. PS Parker explained that unless PC Grafton was sick he was expected to attend and asked whether PC Grafton was saying he was sick. PC Grafton said “well yes I am unable to attend”. PS Parker said ‘ok’ and the call ended. Alternative cover could not be found given the time.

121. The Force’s *Substance Misuse and Testing (inclusive alcohol and drugs) Policy and Procedures*, effective from July 2021, states:

“7.10.3 - Everyone has a general responsibility to present themselves fit for duty or work. If their judgement is impaired by the consumption of alcohol; they are unlikely to be fit for duty.

7.10.5 - Reporting for duty whilst having previously consumed alcohol (for example, on the previous evening) clearly does not equate with the criminal offence of using drugs and will be reflected in the resulting managerial action.

7.10.8 - MOP will apply the industry established principle (and in accordance with Police Regulations as amended) that a person is unfit to work if they have more than 13 micrograms % in breath (39 mg % in urine, 29 mg % blood) This compares with a limit of 35 micrograms % in breath for driving.

7.10.9 All results above this limit will be declared positive by the screening company. Officers whose roles include firearms, response driving, supervising critical incidents or work in other such safety critical posts, should consider this aspect very carefully. While there is no lower standard defined, any degree of impairment could have serious consequences.

*7.18.1.1 Individuals have **responsibilities towards themselves and others** under Health and Safety legislation which puts a duty on individuals to take reasonable care of the health and safety of themselves, and any other person who may be affected by their acts or omissions at work.*

7.18.1.2 Police officers have additional responsibilities under the Code of Ethics and the Standards of Professional Behaviour.

7.18.1.4 Whilst at work or on duty, everyone is expected to be free from illegal substances and free from impairment by any other substances such as alcohol, prescribed drugs or other substances, to the extent that they are not in proper control of their faculties for the role they perform, or are in breach of any statutory provision concerning drugs or alcohol that governs that role”

122. The RA instructed an expert, Mr Bishop, to provide an opinion on the effects of PC Grafton's admitted alcohol consumption on his fitness for duty. Mr Bishop concludes that PC Grafton was probably fit for duty the next day – although this would depend upon precisely what was drunk and in what quantities. This opinion was based upon the statement of PC Grafton in respect of the quality of alcohol consumed.
123. In interview with Wiltshire Police, PC Grafton stated he attended the first pub at around 6-6.30pm and that he was mainly drinking “*beer, Bud Light and Birra Moretti I think*” PC Grafton's Regulation 17 response states that he attended the pub at about 6pm. “*During the early hours of 9 December, my IBS flared up*” He intended to revert to a rest day but, upon being told that this was not possible, said he was sick.
124. In an interview with PSD PC Grafton stated he never turned down any social events because he was feeling isolated and anxious about work. In Wetherspoons he had two/three non-alcoholic pints, a shot (from a round which he bought for everyone) and three alcoholic pints (including one which was bought for him). After two or three hours he went to the Deacons pub. He had one or two alcoholic pints there. After around an hour he went to the Village Pub. There he had two or three pints (including one bought for him by Sgt Whereat). Mr Blackmore tried to buy him a shot, but he didn't have it because he doesn't like Sambuca. He stopped drinking sometime between 11:30pm and midnight, following which he left the Pub and went home. In total he had six alcoholic pints and a shot.
125. PC Grafton further states in this interview that on a scale, one being sober and 10 being paralytic drunk, he was “*five or six*” -i.e. ‘*mid-level*’ and “*I was fully aware and in control of my actions*”. He described himself as not a “*massive*” drinker and “*probably just standard for being in your twenties really*” He normally drinks gin and diet lemonade. He doesn't normally drink shots. He normally gets up at 5am in order to go to work. He finished drinking at midnight or 12:30am. It would

have taken him 10 minutes to get to work that morning for the 5:45am shift. He was not fit for duty because in the early hours of Saturday morning (around 3:30am) his Irritable Bowel Syndrome (“IBS”) flared up (“which happens a few times every month”), meaning he had to constantly go to the toilet. It happens randomly.

126. PC Grafton agreed with the record made by PS Parker of their call. He attempted to revert because his understanding was that if one signs up for overtime you can revert back to rest days as needed – even with two hours’ notice. He was not intoxicated and PS Whereat was in no state to judge anyone else given that he had drunk 11 pints.
127. In oral evidence PC Grafton stated that he had been made aware of the Christmas event at Weatherspoon’s by PC Ben Lee. He arrived at Weatherspoon’s at between 5.30 and 6pm. He confirmed that he had volunteered to work the following morning
128. He stated that while at the Deacon’s pub, he had a pint of beer that FPC Hewitt bought him. He went on with them to the Village Pub because the pub is on his way home. He stated that he was not drunk when he went to the Village Pub. When they entered the pub, they sat on the stools in front of the bar. He could not recall who bought the first round, but he definitely bought one.
129. He stated that although he accepted drinking 5 pints and a sour shot, he did not think there was any risk of him being under the influence of alcohol at 5.45 am when his shift was due to start. He called in sick because his IBS flared up.
130. It was put to him in cross examination that in interview he stated that he had consumed 6 pints and a shot. He stated that he now believed that he had 5 pints based on his payment receipt. He stated that he stopped drinking at around midnight. He stated that he was merry and not drunk and that if someone described him as drunk, they would be lying.
131. In response to questions from the Panel, PC Grafton confirmed that when he first attended the Weatherspoon’s Pub, he didn’t intend to drink alcohol because he

knew he was on duty the following morning. He changed his mind about drinking alcohol because someone bought him a drink of alcohol and he didn't want to be rude; he then decided to continue drinking. He confirmed that in interview he described his alcohol consumption on a scale of 1-10 as 6 which you described as mildly intoxicated, he wasn't drunk but influenced by alcohol

132. He was sure about the amount of alcohol he had consumed as it was confirmed by the spending on his bank account. He stated that he paid for his kebab with cash which is why it wasn't on his account, but he didn't pay for any of his drinks with cash. He accepted that his bank account would not show when someone bought him a drink. He was asked how he could be sure that he would not be unfit for duty, he stated that he wouldn't know 100% but he believed he was not reckless. He confirmed that he believed that he was complying with the policy by not drinking alcohol, accepted that when he decided to continue to consume alcohol, he was not complying with the policy.
133. In response to re-examination, he stated that everyone else was drinking and "*I didn't want to feel left out*". He said he relied on his previous experience of drinking alcohol and didn't think there was any risk of being impaired. He didn't use cash very often, carries cash because not everywhere has a card machine or the machine might be out of order.

Panel Determination

Allegation 5

134. It is alleged that on 8 December 2023 you were reckless as to whether your alcohol consumption would render you unfit for duty early the next morning. You are referred to the Force's policy on Substance Misuse and Testing.
135. The Panel find this allegation of proven on the balance of probabilities. The duties and responsibilities of a police officer required to carry a firearm are clearly set out in the Force Policy. PC Grafton does not dispute that he attended a Christmas function on 8 December 2023 shortly after having volunteered to

attend a shift at 5.45 am the following morning and that he consumed a significant quantity of alcohol (at least 5 pints and 1 shot). PC Grafton accepted that his decision not to drink alcohol when he first arrived at the Weatherspoon Pub was made in order to comply with Force Policy, and he also accepted that when he decided to consume alcohol, he wouldn't have been complying with Force policy.

136. The Panel found that in continuing to drink alcoholic drinks up until midnight he was reckless as had no way of knowing with any certainty whether he would be fit to attend duty at 5.45am. He was clearly uncertain as to exactly, how much alcohol he had actually consumed having stated 6 pints in interview and subsequently reducing the amount to 5. He, therefore, deliberately and unjustifiably took an unreasonable risk that he would be unfit for armed duties, despite being fully aware that his actions could cause harm or damage.

BREACH OF STANDARDS

137. Having found allegation of fact 5 proved and allegation of fact 3 partially proved, the Panel went on to consider whether the conduct found proved either individually or collectively breached the standards of professional behaviour alleged. The Panel found that by harassing Witness A and being reckless as to whether he would be unfit to attend duty due to his alcohol consumption PC Grafton had clearly breached the following professional standards:

- i. Authority, Respect and Courtesy: In that he failed to act with self-control and tolerance and failed to treat members of the public with respect and courtesy.
- ii. Orders and Instructions: In that he failed to abide by police regulations, force policies and lawful orders.
- iii. Duties and Responsibilities: In that he failed to be diligent in the exercise of his duties and responsibilities because he was unfit to perform them by reason of alcohol consumption and/ or were reckless as to whether you

could do so.

- iv. Fitness for duty: In that he was not fit to be on duty and to carry out your responsibilities on the morning of 9 December 2023 and/ or were reckless as to whether you would be.
- v. Discreditable conduct: You behaved in a manner which discredited the police service and undermined public confidence in it.

GROSS MISCONDUCT OR MISCONDUCT

138. Having found the breaches of the standard as set out above proved, the Panel carefully considered whether the breaches amounted to gross misconduct, misconduct or neither. Misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal. The Panel reminded itself of the circumstances of this case, the breaches of the standard found proved, the need to protect public confidence in, and the reputation of the Police Service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.
139. In assessing the seriousness of PC Grafton's conduct, the Panel had regard to the outcome guidance which provides that Panels should assess the seriousness of the proven conduct by reference to 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.
140. The Panel determined PC Grafton's culpability for his actions was high. He had decided to harass Witness A for her phone number, and he had chosen to drink a large quantity of alcohol shortly before he was due to start his shift as an armed officer. The level of harm was also high Witness A described being caused distress by PC Grafton's behaviour and the potential reputational harm. were the

public to become aware that a police officer had harassed a member of the public whilst off duty and been reckless as to whether his alcohol consumption would render him unfit to perform his duties as an armed police officer was very high. In terms of aggravating factors harassment is a form of Violence Against Women and Girls (VAWG) therefore, this type of behaviour will always be treated seriously. The panel found no mitigating factors that were relevant to their assessment of seriousness at this stage of the hearing process.

141. The panel therefore concluded that the conduct found proved was serious enough to warrant dismissal the Panel therefore found that PC Grafton's conduct amounted to gross misconduct.

OUTCOME

142. In determining the appropriate and proportionate sanction the panel have had regard to PC Grafton's service record, the facts found proved, the submissions made on behalf the RA and PC Grafton and the legal advice received from the LQA. The Panel applied the three-stage procedure set out in the College of Police Guidance on outcomes in police misconduct proceedings (outcome guidance). The Panel assessed the seriousness of the misconduct, keeping in mind the purpose of imposing sanctions and chose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Seriousness of the misconduct

143. In assessing the seriousness of the misconduct, the Panel have considered:

- i. The officer's culpability for the misconduct.
- ii. The harm caused by the misconduct.
- iii. The existence of any aggravating factors.
- iv. The existence of any mitigating factors.

144. The Panel concluded for the reasons detailed above that PC Grafton's culpability and the level of harm in this case was high.

145. The panel found the following aggravating factors in this case:

- Harassment is categorised as VAWG
- Significant deviation from Force policy
- The behaviour was continued after he realised or should have realised that it was improper.
- The scale and depth of local and national concern about VAWG and misogyny in the police service
- Multiple proven allegations

146. The Panel found that there were no mitigating factors in this case.

Purpose of the Sanction

147. The panel kept in mind at all times the threefold purpose of imposing sanctions, namely:

- (a) maintenance of public confidence in and the reputation of the police service;
- (b) upholding high standards in policing and deterring misconduct;
- (c) protection of the public.

Of these, the maintenance of public confidence in and the reputation of the police service is paramount.

Choosing the most appropriate sanction

148. The Panel has considered the purpose of the misconduct regime and having had due regard to all of the circumstances, including, the risk of undermining public confidence in the police service, the panel considers this to be a highly serious breach of professional standards. The Panel had careful regard to the purpose

of outcomes and that they are not intended primarily to be punitive. The Panel also had regard to the need for outcomes to be proportionate.

149. In line with the outcome guidance at 7.4, the panel considered the least severe outcome first. The panel determined that a final written warning would be neither proportionate nor appropriate to address the seriousness of this case and to retain confidence in policing.

150. There is no place in the police service for officers who harass members of the public, this type of behaviour coupled with the officer's reckless consumption of alcohol is totally inconsistent with the values of the MOD Police Service. In these circumstances the only appropriate sanction in this case is dismissal without notice.

Submitted on behalf of the Panel.

01/06/2026

Right of Appeal. In accordance with Regulation 42(2), the Relevant Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal. ("PAT"). The PAT may increase or decrease any penalty or overturn our decision.