



JUDICIARY OF
ENGLAND AND WALES

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-v-

Oliver Perry-Smith

Reading Crown Court
Sentencing Remarks of Mr Justice Bryan
29 April 2022

1. Oliver Perry-Smith, on 15 February 2022, on your first appearance in the Crown Court at Reading, you entered guilty pleas to 3 counts of misconduct in a public office in relation to 6 separate female complainants (count 2 Ms P, Count 3 Ms H, Count 4 Ms E, Ms G, Ms D and Ms F) in that whilst a serving police officer with Thames Valley Police you misconducted yourself in a way that amounted to an abuse of the public's trust by either engaging in, or seeking to engage in, sexual activity with, or making inappropriate remarks to, female members of the public whom you had met in your course of duty as a police officer, and on occasions you did so whilst on duty and in uniform.
2. On 30 March 2022 you also entered guilty pleas to 2 counts of unauthorised access to computer material, contrary to section 1(3) of the Computer Misuse Act 1990, namely accessing the Police National Computer for an unauthorised purpose to obtain information about two of the complaints (Count 5 Ms E who is also the complainant in relation to Count 3, and Count 6 Ms B and other family members).
3. I must now sentence you for this catalogue of offending spanning a period of over 4 years, and in respect of no less than 6 complainants in relation to the misconduct alone, all committed in your position as a serving police officer with Thames Valley Police and in circumstances where the complainants were entitled to consider that in relation to your contact with them, you would behave properly and appropriately towards them in the discharge of your responsibilities as a police officer. You failed to do so, and in consequence, have caused substantial harm to those with whom you came into contact, as well as dishonouring your hardworking colleagues and the wider Police Service in which you served.
4. It is right to recognise at the outset the very serious nature of such offending. In this regard the words of the Vice President of the Court of Appeal Criminal Division in *R v Butler* [2021] EWCA Crim 1868 at [41] bear repeating, and are entirely apposite in the context of your offending:

“Offences of this kind often attract wide publicity, and they entirely overshadow the countless occasions when officers behave with honour and propriety. The

consequential harm that is caused to the Police Service is profound and pernicious. Its impact is long-standing, and this offending risks weakening the vital confidence on the part of the public that they can trust, without question, the integrity of those from the Police Service with whom they have dealings. It is for that reason that these offences attract immediate custodial sentences and, save in exceptional cases...a deterrent sentence is necessary.”

5. In the present case it is common ground that your offending is so serious that only an immediate custodial sentence is appropriate, and whilst regard must, and will, be had to the aggravating and mitigating factors relating to your offending in arriving at the appropriate custodial term, it is rightly not suggested that this is an exceptional case where a deterrent sentence is not necessary.
6. There is an agreed Basis of Plea (uploaded on 28 March 2022) on the basis of which I sentence you. On the entirety of the evidence before me I am satisfied, so that I am sure, of the facts which I set out below. Those facts are consistent with the basis of the plea.
7. At a pre-sentencing hearing before the Resident Judge at Reading Crown Court it was common ground that a pre-sentencing report was neither necessary nor appropriate (no doubt given the seriousness of your offending, the Basis of Plea, and the fact that there would be, as have been served, detailed sentencing notes which would set out all available mitigation). That remains the position.
8. I also have the benefit of victim personal statements (VPS's) from each of the complainants. They are moving statements that speak volumes of the harm you have caused, and the impact you have had on the lives of so many people as a consequence of your offending. I address particular aspects of those statements in due course below when setting out the facts relating to your offending. Each of the complainants have been referred to by random initials throughout the investigation. I adopt the same course solely in order to protect their identity, and without any discourtesy. Each of those complainants is an individual whose life has been changed as a result of your offending. Many of them expressly characterise themselves as victims of your offending, and their choice of words is entirely appropriate.
9. You had been a serving officer with Thames Valley Police since 2009. You passed the sergeant exam in March 2019 and acted up for a period of one month in this rank. You had received extensive training during your time as a police officer, and stand to be accountable under the police code of ethics, the standards of professional behaviour and Thames Valley Police's policies and procedures, all of which you would have been well aware of at all material times.
10. These procedures require users of NICHE (Thames Valley's police and intelligence computer system), to confirm prior to access, that they understand and agree to the conditions of use. These are that it *“is only accessed for a legitimate policing purpose which is relevant and necessary for their role... users who misuse the system can be identified and will be subject to disciplinary action. Data held on the application is subject to the Data Protection Act 1998, the Computer Misuse Act 1990 and force*

regulations. Users should be aware that it is a criminal offence to misuse data on the system whether it is for personal gain or not". In such circumstances you can have been in no doubt whatsoever that you were not authorised to undertake the access, the subject matter of Counts 5 and 6.

11. Equally you cannot but have been aware, that your conduct towards female members of the public that you came into contact with, and which is the subject matter of Counts 2, 3 and 4, was anything other than inappropriate. You did not need training to know that it is part and parcel of the behaviour expected of any police officer. However during the indictment period, you had even completed "Abuse of Position for Sexual Purpose" (APSP) training in June 2018. The training outlined a number of practical scenarios, real life case studies, warning signs, as well as the implications and consequences of APSP. APSP was defined as "*Any behaviour by a police officer or police staff member, whether on or off duty, that takes advantage of their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public*". That was precisely the sort of behaviour that you had already engaged in and, despite such reinforcement training, were to continue to engage in.

Count 2 Ms P

12. Your involvement with Ms P commenced on 6 March 2015 as Ms P's son was the victim of the theft of a mobile phone, so whilst she was not herself a victim of that theft, her son was, and you came into contact with her for a police purpose. You attended her home in full police uniform to take her statement. Ms P explained to you that she was a single mother who had been the victim of domestic violence, and she explained to you how protective she was over her son. Her vulnerability would have been obvious. You were flirtatious towards her, you commented that she was very attractive, you came and sat next to her on the sofa when she was going to sign her statement, you ran your finger down her leg, and, lest there be any doubt about your intentions, you said, "I don't know what it is about you, but I so want to fuck you". She recounts in her VPS that she felt intimidated, uncomfortable and vulnerable, as she clearly was, and as you would have known from all that she had told you.
13. You messaged her at 8-9pm the same evening at first using your work phone and then your personal mobile. You came around to her house the next day in full police uniform at a time when her children were at school. She asked you if you were supposed to be there, and you said no, but had made an excuse to your sergeant so that you could visit her. She was flattered by your attention and considered you charming and attractive, and although she felt the situation was not quite right she felt safe in her home as you were a police officer. You kissed her in the kitchen and asked her to perform oral sex upon you, which she consented to. After that was over, you both went into the sitting room and talked, during the course of which you made it clear to her that you were promiscuous and were cheating on your girlfriend. Thereafter you continued to text, and she hoped your intentions were more than sexual, but it became clear to her that they were not, and there was no further sexual contact. As she states in her VPS she was left "feeling used, very embarrassed and ashamed".

14. A considerable time later, on 21 October 2021 she made a 101 call to Thames Valley Police about an ongoing issue in her street. The URN entry read “caller does not need contact regarding this” and the URN was closed. However you admit viewing the log and you rang her, she recognised it was you, and sexually explicit texts followed from you with you asking if she wanted to “meet up for some fun”. It is clear enough what your intentions were. She declined in circumstances where she was by this time feeling in a stronger place.
15. As is clear from her VPS, and as we heard when she read her statement, your conduct left her with a huge sense of shame and regret for acting so out of character, it affected her emotionally, and in turn affected how she thought about the police and whether she could really trust an officer again. She was depressed and her depression worsened, and her medication was increased because of it. The damage has been lasting. As she said, “I have held onto all this for years, it affected me more than I realised. What he did was morally wrong. I am a good person and did not deserve to be used like that”. Thankfully she now realises that she was not to blame, and was, as she describes herself, a victim, but the impact of your offending upon her lasted for many years.

Counts 3 and 5 Ms H

16. You conducted a PNC check on a vehicle belonging to Ms H on 5 February 2019 at 6.36pm, at a time when you had seen her park in a carpark to PoundStretchers Newbury at about 6.30pm. You accept that you obtained Ms H’s home address through that PNC check and that you should not have attended at her home address at 8.30pm that evening and made general enquiries about drug use in the area (stating there had been a report of a strong smell of cannabis coming from her block). You were in police uniform, and she recognised you from earlier. You also accept that you should not have made comments about her personal appearance as a result of which it became apparent to her that you were interested in her. You attended in full uniform, but she noted that your radio was off, and you were missing badges on your uniform, and she was concerned that you were not a real police officer. She knew that she had to get rid of you and she listed police officers that she knew from Newbury, including an Inspector Hawkett. This caused you to become alarmed and you left. She noticed that you had parked a marked police car away from the building. There was no further contact.
17. Although nothing sexual occurred, it is clear that your behaviour was, and was understood to be, flirtatious, and that you were using your position as a police officer, having obtained her address, to interact with her in a flirtatious manner. I have no doubt that if your interaction had been reciprocated matters would have been likely to develop further, as they had with Ms P. Whilst, in the event, nothing transpired it is clear that this was a very frightening experience for Ms H. As she puts it in her VPS, “I knew I needed to get him out of my house. I was terrified at the time. My mind ran away, I began to think is he even a police officer, he has come here for a purpose which is me, and there is nothing stopping him, I knew he had intent, and I believe he had planned and prepared this”. She was left feeling anxious and paranoid, and as she put it, “you don’t expect police officers to behave that way. I thought, if he is prepared to go that far who is to say he wouldn’t go further”. Such sentiments are readily understandable in the situation in which you placed her, and are a direct consequence of your wrongful conduct. It is clear, as would have been clear to you, that in the case of Ms H, your feelings were very much not reciprocated.

Count 4

Ms E

18. Ms E had been a victim of harassment on 15 September 2016, and of domestic violence (in the form of a violent assault against her by an ex-partner) in the summer or autumn of 2017. Whilst you were not one of the officers who initially attended to deal with the incident you initiated what you characterise as a “courtesy call” (and so on police business) and then turned up at her address, unannounced, late in the evening. The visit was not recorded on NICHE records. Once inside your conversation became flirtatious and you asked to return to her home later that evening which she agreed to. A sexual relationship ensued which continued for a few months in 2017 and again in 2018. You attended for sex on a number of occasions (often on the way to or from work and whilst off-duty), but you also attended on other occasions whilst on duty and in uniform (although the latter visits were short, her children were sometimes present, and nothing sexual occurred on those occasions).
19. It is clear, as would have been obvious to you from the very reason why you had called Ms E in the first place, as well as from your subsequent contact with her, that she was vulnerable (as you indeed accept), and whilst the relationship was undoubtedly consensual throughout I have no doubt whatsoever that you took advantage of your office, and her vulnerability, to satisfy your own sexual desires. The true circumstances and nature of that relationship is, I am satisfied, well captured by what Ms E says in her VPS:

“At the time I was in a bad dark place, I was very vulnerable, and at my lowest point. I trusted Oliver because he was a police officer, I opened up to him, and I felt safe to do so because of his role. I believed he had a genuine interest in me and what had happened to me. It boosted me and I drew confidence from him. Now I can see that he wasn’t interested in what had happened to me at all, and that for him, this was a green light to take advantage of me and to get his sexual kicks. I feel used. He used me like a toy, an object to satisfy himself. I am disgusted at the whole thing”.

Ms G

20. Ms G had been arrested following a domestic incident with her boyfriend on 26 December 2017 and taken to Newbury Police Station, and so attended as a suspect. You were the interviewing officer. In such circumstances she was obviously in a vulnerable position, and it was equally obvious that it was inappropriate for you to initiate (sexual) contact with her. In the event she was not charged. You obtained her telephone number for paperwork and within hours of the (non)charging decision you texted her a crime number and you initiated inappropriate sexually explicit texts stating, amongst other matters, that she was “fit as fuck”. You exchanged flirtatious and sexually explicit messages between December 2017 and April 2018 and Ms G describes you speaking on the phone on one occasion when you asked her to talk dirty to you but she said it was not her thing, and you then asked her if she minded if you talked dirty to her which you went on to do, and you said you were playing with yourself whilst you were speaking to her, in other words (unreciprocated) telephone sex.
21. It is clear that Ms G too was left feeling used by you. She expresses how she felt as a result of your actions in her VPS in these terms, “I believe he abused his powers, he

manipulated me, he took advantage of me and disrespected me, to fulfil his own needs and his ego”, sentiments, it will be seen, that are echoed in other victim personal statements.

Ms D

22. Following the arrest of Ms D’s 16 year old son on 10 July 2018, on 11 August he was interviewed by you, in the presence of Ms D who was present as an appropriate adult due to her son’s special needs. She was in a position of vulnerability as a result as would have been obvious to you. Set against that backdrop, she agreed to see you at her home one Sunday afternoon (11 August 2018), and you attended in full uniform and made sexually explicit comments to her. More specifically you asked her “if you could tell her something, that you would really like to fuck her”, and you talked about having a casual sexual relationship with her. She explained that she had just split from her partner after 7 years. There were no updates on the investigation, and it is clear that you attended with a view to instigating a (sexual) relationship. Whilst you both exchanged flirtatious and sexual messages over a period of time it did not progress to anything more. As addressed in due course below, it is clear that she too suffered harm by your actions.

Ms F

23. In June 2019 there was an incident in the road where Ms F lived. Police officers attended and she gave her contact details to you. About two hours later you called her stating that the matter had been resolved, you flirted with her, and you gave her your personal telephone number. She asked you out for a drink and you called her on a third phone that you had. You exchanged messages and sexual photos. You also came to her home address having said that you had told Control that you were taking a statement and going on to take another. On the first occasion when you visited her address you were in uniform and on duty and you kissed on that occasion. You had consensual sexual activity with her on 3 or 4 occasions (not extending to sexual intercourse). After the contact fizzled out, and Ms F had moved on, you turned up at her home late at night uninvited. She told you that you could not come in. It is clear from her VPS that such uninvited attendance caused her anxiety and led her to feel uncomfortable, including whenever anyone knocked at her door.

Count 6 Ms B (unauthorised access to the NICHE records)

24. On 3 November 2019 you attended a disturbance which involved Ms B. There were concerns raised about her ability to look after her child. You recorded her details in your pocket notebook. You sent her text messages from your work phone 3 minutes later. You and another PC attended at her home address on 5 November 2019 in the context of a noise complaint from Ms B’s neighbour. Text messages were exchanged between you and Ms B into the early hours of the morning. You had transferred her personal data onto your own personal (third) phone, and you contacted her using that phone into 6 November 2019. Ms B subsequently alleged that during the course of flirtatious exchanges between you, you had sent her an image of your penis. This led to your subsequent arrest though you were not charged with any offence of misconduct in public office (and you denied committing any such an offence in relation to Ms B).

25. However, in the course of an investigation it transpired that late on 5 November (and as you admit) you had accessed the NICHE record for Ms B, the child protection referral in

relation to Ms B's child, a missing person's report in relation to the father of Ms B's child and a confidential MASH (Multi Agency Safeguarding Hub) report. You had no authority to do any of this as part of any investigation, and in doing so you committed the offence the subject matter of Count 6, to which you have pleaded guilty.

26. You were arrested in respect of your offending on 20 November 2019. You handed to officers both your work mobile and also a personal mobile phone, and produced from your bag a third phone (characterised by the prosecution as a "burner" phone). Precisely what you said about that phone at the time of arrest is not agreed, but it is clear enough that you used that phone to undertake sexual communications with women other than your partner, including some of the complainants. Following your arrest, you were interviewed twice at Abingdon Road Police Station and sat in silence. You did, however, provide a 24 page Response to Caution to the IOPC dated 27 March 2021 in which you admitted having a (consensual) sexual relationship with Ms P, Ms E and Ms F, exchanging sexual phone messages with Ms D, and exchanging sexual messages with Ms G and having a sexualised phone conversation with her.
27. The maximum sentence for an offence of misconduct in public office is life imprisonment. There are no Sentencing Guidelines, but I have been referred to a number of previous authorities including *R v Lewis* [2010] 2 Cr App R(S) 666, *R v Fletcher* [2012] 1 Cr App R (S) 62, *R v Bunyan* [2014] 1 Cr App R (S) 428.) and *R v Butler* [2021] EWCA Crim 1868, to each of which I have had careful regard. Ultimately the appropriate sentence to be passed is very much fact specific, and dependent upon the nature and number of offences (taking into account totality) but previous authorities (and in particular *R v Butler*, which is relied upon by both the prosecution and the defence) are of assistance when sentencing such offences.
28. In *R v Lewis* an officer accessed police computer to obtain addresses of women and subsequently engaged in consensual sexual relations with them. Sentenced on pleas to 4 years. For offences of related computer misuse there were concurrent sentences of 2 years. The women comprised a witness, a victim, a potential defendant and a defendant and the activity occurred between 2005 and 2007. Sentences were reduced to three years following criticism of the learned trial judge's references in his sentencing remarks to rape of which he had been acquitted.
29. In *R v Fletcher* a sentence of 32 months imprisonment was passed following pleas to 2 counts of misconduct in public office against one very vulnerable complainant. The officer attended her house and had sex with her, returning later for a further encounter, following which she self-harmed. The CACD made it clear that *R v Lewis* was not a guideline case. This was "a gross breach of trust and of his responsibilities as a police officer." The starting point of four years was not manifestly excessive and nor was the resulting 32 months.
30. I do not find the subsequent case of *R v Bunyan* of particular assistance given that the CACD distinguished the facts of that case from cases such as *R v Fletcher* where police officers had taken blatant advantage in the course of their duties of vulnerable complainants (as in the present case) and cases such as *R v Lewis* where police officers have accessed police computers to trace women for the purposes of having sexual relationships with them (at least Count 5 re: Ms H in the present case).

31. In the most recent of these cases, *R v Butler* (which was an Attorney General's Reference under section 36 of the Criminal Justice Act 1988 on the basis that the sentence passed was unduly lenient), the police staff investigator (a retired police officer) had been convicted at trial of two offences of misconduct in public office in relation to him engaging in sexual relationships with two vulnerable woman who were complainants in respect of criminal allegations which he had been charged with investigating. He was sentenced to 15 months' imprisonment on count 1 and 18 months' imprisonment on count 2, concurrent, a total sentence of 18 months' imprisonment. The Vice President of the Court of Appeal Criminal Division (Lord Justice Fulford), giving the judgment of the Court, was of no doubt that a higher starting point was required in the case, "given the need to mark these offences with deterrent sentences" (at [44]) and "Given that there were two offences, the overall starting point should have been 4 years' imprisonment" (at [45]). However, reflecting the "significant mitigation" this was reduced to 3 years' imprisonment.
32. The facts of the offending in respect of the two complainants is set out in full in the judgment, and I bear them well in mind. In summary, in relation to count 1 the defendant commenced a consensual sexual relationship with Ms H whilst a criminal case of historical sexual abuse in relation to Ms H's adoptive father was on-going. An intimate consensual sexual relationship ensued. At one point (sometime after the relationship had commenced and at the time of the outcome of the adopted father's appeal) the defendant asked Ms H whether she had reported their relationship to the police and said, "Well I hope you didn't because your dad will walk". Following these events Ms H had been unable to work and had attempted suicide in 2020. In relation to count 2, Ms R was raped by her ex-partner and the defendant was tasked with investigating that matter. Ms R was reluctant to pursue the allegation because she had previously worked as an escort. The Defendant kissed Ms R on a number of occasions and on one occasion placed a hand on her bottom (though that was the extent of the sexual contact). The defendant had accused Ms R of falsifying the rape allegation against her ex-partner (para 24). Ms R suffered severe anxiety and stress and contemplated suicide.
33. Fulford LJ noted that the defendants' culpability as regards the offences was high. He selected two vulnerable victims each of whom was dealing with the consequences of sexual offences that they had reported to the police, and he engineered sexual relationships with them, taking advantage of their dependence and reliance for his personal exploitive ends. The outward semblance of these being consensual "does not lessen the calculated manipulation of two people who were confronted with acute and emotional personal crises" (at [38]). "The defendant's culpability for that offence was not materially diminished because he did not engage in sexual activity against the wishes of the victims. It is self-evident that if there had been lack of consent, the defendant would have faced other grave allegations" (at [39]). There was significant emotional harm caused to both victims." "[R]eflecting later on the circumstances of his unprofessional, unethical and unscrupulous behaviour [that] has inevitably led to strong, enduring emotions" (at [40]).
34. He concluded (as I have already referred to above) that "offences of this kind often attract wide publicity, and they entirely overshadow the countless occasions when officers behave with honour and propriety. The consequential harm that is caused to the Police

Service is profound and pernicious. Its impact is long-standing, and this offending risks weakening the vital confidence on the part of the public that they can trust, without question, the integrity of those from the Police Service with whom they have dealings. It is for that reason that these offences attract immediate custodial sentences and, save in exceptional cases... a deterrent sentence is necessary.”

35. In terms of the critical need for police officers not to exploit or abuse the trust reposed in them, and to maintain public confidence he referred to what was said by Leveson LJ in *A/G Reference No.30 of 2012* [2010] EWCA Crim 2261 (supply of information by a police officer to a drug dealer) that, “punishment and deterrence are always important elements in these cases. Not only must police officers be deterred from misconduct, but also the public must see that condign punishment will be visited on police officers who betray the trust reposed in them and do not live up to the high standards of the Police Service”.

36. Leveson LJ also referred (at [36] to what he had said in his sentencing remarks in *R v Wayne Cousins* that:

“In this country it is expected that the police will act in the public interest. Indeed, the authority of the police is to a truly significant extent dependent on the public’s consent, and the power of officers to detain, arrest and otherwise control important aspects of our lives is only effective because of the critical trust that we repose in the Constabulary that they will act lawfully and in the best interests of society. If that is undermined, one of the enduring safeguards of law and order in this country is inevitably jeopardised.”

37. Ms Williamson, who mitigates on your behalf, submits that the seriousness of the misconduct was greater in *Butler* than in the present case, it being said that one factor which made the offending in *Butler* particularly serious was the defendant’s role in investigating the serious sexual offences which Ms H and Ms R were victims of, and another was the serious psychological harm caused to the two victims. Those factors were undoubtably in play in *Butler* but I reject the suggestion (if suggestion it be) that the starting point in relation to the totality of your catalogue of serious offending, over an extended period of time, against no less than 6 separate victims, many of whom have suffered long lasting harm, warrants no more than (or even less than) a starting point of 4 years (the starting point identified in *Butler* in respect of the two offences before the Court on that Attorney-General’s Reference).

38. In relation to your offending you met each and every one of the complainants through your policing duties, and you abused your position of trust in relation to the misconduct that you perpetrated to further your own sexual gratification. Each of your victims, for victims, they were, were involved in their contact with the police in circumstances where they expected the police to assist them in the situation they were in, not exploit them at a time of vulnerability and each of them suffered harm as a result of your offending, in many cases long lasting harm.

39. In relation Ms P, and whilst was not herself the victim of a crime when she came into contact with you, the situation was analogous as she contacted the police in relation to the theft of her son's mobile phone. You knew that she was a vulnerable single mother and the victim of domestic violence. You took advantage of that vulnerability, using your position as a police officer, for your own sexual gratification whilst on duty and in full uniform. The sexual conduct that took place, which left her feeling used, embarrassed and ashamed, took place at a time when the investigation into the theft of that mobile phone was ongoing, and resulted in long-lasting harm to her over many years including the worsening of depression from which she was suffering, and a loss of trust in the police.
40. In relation to Ms H, and whilst she was not in fact a suspect (albeit you used a PNC vehicle check to obtain her address and then carried matters through by going to her address when you had no legitimate reason to do so) your actions terrified her at the time, and she was left feeling anxious and paranoid. It would have been clear to you that your feelings were very much not reciprocated, and the effect of your conduct, undoubtedly aimed at sexualised contact, left her in fear, in her own house, as to what you might do.
41. Ms E was a victim in a criminal investigation (as is candidly acknowledged on your behalf) and you knew she was very vulnerable being a victim of domestic abuse, and you took advantage of your office and that vulnerability, and whilst the sexual relationship was consensual throughout, you left Ms E feeling that you took advantage of her to get your sexual kicks, leaving her feeling "used, like a toy, and object to satisfy yourself" (as she put it). It is clear that your offending caused Ms E considerable harm. She states that her self-esteem and confidence were effected, and she was left feeling shame, unable to talk to anyone, and as she put it, she "held on to the dirty little secret. I locked it away". It affected her future relationships with men because it was at the back of her mind, and caused her to question whether they too were using her. Her feelings vividly illustrate the damage that behaviour such as yours causes in terms of the public perception of the police. As she puts it, "the experience has completely wiped out my trust in the police, particularly male officers. Prior to this I had the police on a pedestal of respect. He has tarnished this. I feel let down."
42. Ms D met you when you interviewed her son in respect of an offence and she was the appropriate adult present in the context of her son's special needs, so once again a very vulnerable person, concerned about her own son who was under investigation, and who met you whilst you were carrying out a police role. You took advantage of that vulnerability as you had your other victims, to seek a sexual relationship, and which led to you attending her house and exchanges of flirtatious texts, but no more, despite your clear desire to instigate a sexual relationship. It is clear that Ms D too has been harmed by your actions, and like the others feels a sense of shame and embarrassment, when it is you, and you alone, who should feel ashamed and embarrassed by your conduct. As she states in her VPS:

"Outside of the investigation, I have not been able to talk to anyone else about this because I feel shame and embarrassment. It happened, it was something that was wrong, it just was not my personality to be drawn in, the way I was. I couldn't work out how it had happened. It has taken me a while to understand this, and I now know it was because at the time I was very vulnerable, I was mentally unwell, and I was

consumed with worry about my son. I got drawn in because I didn't want to say anything, just in case it made things worse for my son. Oliver Perry-Smith held all the power and control, he manipulated and preyed on me, and I do feel I am a victim."

It is also clear that your actions have resulted in Ms D losing trust and confidence in the police which is another invidious consequence of offending such as yours. She states that "I now question every male officer, are they predators, do they prey on women. I wouldn't trust a male officer to come in to my home if I was alone...My openness and trust in the police has dwindled".

43. In relation to Ms F in June 2019 there was an incident in the road where Ms F lived. You say that she was not a victim, witness or suspect and that she was not involved in any criminal investigation. Ultimately it matters not whether she was a witness or not, albeit I note that in her original statement and in her VPS she states that she did witness an incident at the end of her road. The fact is that the police undoubtedly attended, and it was in that context that she gave you, as an attending officer, her contact details. You once again then used those contact details to contact her and instigate a sexual relationship with her, all deriving from your role as a police officer. Whilst the sexual activity was undoubtedly consensual throughout, Ms F believes that you used your position as a police officer to take advantage of her because at the time you met her she was a lone parent and she considers that you saw her as an easy target. You undoubtedly took advantage of your contact with her in the course of your role as a police officer in order to initiate a sexual relationship with her. As has been seen, this was part of your modus operandi. In Ms F's case your advances were reciprocated, but it was your misconduct whilst in contact with her and performing your role as a police officer that led to the relationship that ensued. Thereafter, after the relationship fizzled out you attempted to rekindle matters by attending, uninvited at her home, causing her anxiety and leaving her to feel uncomfortable, including whenever anyone knocked at her door.
44. This was a sustained catalogue of misconduct in public office over an extended period of time in abuse of your position as a police officer and for your own sexual gratification, in relation to no less than six complainants, and which resulted in lasting harm to your victims, and consequential harm to the Police Service through loss of trust in the Police.
45. There are, I am satisfied, numerous aggravating features to your offending (having regard to the circumstances of your offending as a whole, as I have already identified):
- (1) Vulnerable victims due to personal circumstances (as identified above).
 - (2) Vulnerable victims as a result of their interaction with the police at the relevant time (as identified above).
 - (3) An imbalance of power both actual or perceived.
 - (4) The sexual approaches were immediate and brazen whilst on duty or acting in the purported role as a police officer.

- (5) Sexual relations were conducted at the victim's home address when you were either in uniform and or on duty, using work phone (the most brazen example being in relation to Ms P).
 - (6) Notwithstanding that the sexual activity was consensual (where sexual activity took place) the complainants variously felt a sense of obligation and of being overwhelmed, as, in particular cases (as identified above) feeling degraded and used.
 - (7) Significant emotional harm was suffered by all your victims as reflected in the Victim Personal Statements, including very substantial harm in the case of Ms P in particular.
 - (8) Whilst it does not appear that any criminal investigations were damaged, some of your conduct was in the context of ongoing criminal investigations, and could have had the potential to damage a criminal investigation.
 - (9) Contact following the accessing of information about the complainants on the TVP system (in particular Ms H), although it is clear that you also reviewed computer logs in other cases, for example in relation to the later contact with Ms P).
 - (10) The Offences were committed over an extended period of over 4 years (2015 to 2019) and continued despite specific training on Abuse of Position for Sexual Purpose(s).
 - (11) Your catalogue of offending was in respect of no less than 6 separate complainants.
46. It is appropriate to pass sentence on Count 4 to reflect the totality of your offending in relation to misconduct in a public office with concurrent sentences on Counts 2 and 3 which is the approach I have adopted. Having regard to the totality of that offending and the aggravating factors I have identified, the appropriate starting point at trial before consideration of your personal mitigation and guilty pleas would be 5 years' imprisonment.
47. I turn to your personal circumstances and mitigation. You are 38 years old, and have been in a relationship since 2012 with your partner Hannah, who has stood by you, and who became your wife in September 2021. You have a 3 year old son together, D, who was born on 7 September 2018. You had been a serving police officer in Thames Valley Police since 14 April 2009. The character references from fellow serving officers, friends and colleagues, provide an insight into a different, and more positive, side to the discharge of your duties as a police officer.
48. As is common in your occupation, and in the context of offences of misconduct in public office, you have no previous convictions and are of positive previous good character. In this regard I have had careful regard to the character evidence from Aimia Fail (a midwife and friend for many years), Meghan Adey-Butt, Kieren Baker and William Smith (all serving police officers, friends and former colleagues), Stephanie Barnes, Thomas Fail and Owain Davies (long term friends) and from your wife Hannah Perry-Smith. These character references provide much insight into your positive qualities, and the positive aspects of your character as perceived by others you are close to. It is clear, however, that your actions reflect another side to your character over the period in question, a side

hidden from public view, and that appears to have been driven by an urge for sexual gratification out-with your relationship with your partner, and your professional working relationship with your colleagues, and for which you were prepared to misconduct yourself, and behave in a wholly inappropriate manner.

49. I accept that you are genuinely remorseful for your actions, but remorse can only go so far in the context of a catalogue of serious offending carried out over many years, and persevered in despite you knowing, very well, that what you were doing was wrong.
50. I also take into account the impact upon your family. By the very nature of such investigations, and the impact of the pandemic, there has also been delay from your first arrest on 20 November 2019, to postal requisition on 14 December 2021 and attendance at the Magistrates' Court on 11 January 2022, which has no doubt been very stressful for you and your family and I take that delay into account generally, and in the context of the fact that your personal circumstances have moved on, and you have done much with a view to turning your life around and supporting your wife and child.
51. In this regard I bear in mind that you have been diagnosed with severe anxiety and stress and are on prescribed medication for that. It is to your credit that you attended counselling in early 2020 which utilised Cognitive Behaviour Therapy (CBT) tools, and in that context you and your counsellor spoke about possible reasons for your behaviour such as your childhood, adolescence and losses in early adulthood (of a girlfriend and of your father), with your counsellor identifying sex addiction as a potential cause of your offending. You were referred to other services for ongoing support and you have attended group sessions with Reading (Berks) Sexual Addiction Anonymous.
52. Having regard to the nature of your offending, and the aggravating and mitigating features of your offending, I am satisfied, as is common ground, that your offending is so serious that only an immediate custodial sentence is appropriate. I am therefore going to pass a sentence of imprisonment. This will be the shortest which in my opinion matches the seriousness of your offending and takes into account the aggravating and mitigating factors in your case that I have identified. I consider that the appropriate sentence at trial on Count 4, having regard to such aggravating and mitigating factors, would be one of 4 years and 6 months' imprisonment.
53. You are entitled to credit for your guilty pleas. I note that on your arrest you provided the police with the third mobile phone that I have already referred to which assisted in the investigation in providing contact details for the complainants (save Ms H who you never had telephone contact with). As already noted, you also made various admissions (at least as to consensual sexual contact) in relation to various complainants) in your Response to Caution to the IOPC). Whilst it is true that at your first appearance in the Magistrates' Court on 11 January 2022 no indication as to plea was given, at that stage the Crown intended Charge 3 (that became Count 4) to cover 12 individuals and I accept that it was necessary to consider carefully whether the evidence relating to those individuals did amount to misconduct in a public office, that this is a complicated and nuanced area of the law, and that it was also necessary to discuss matters with the prosecution and liaise on acceptable pleas. Having regard to the Sentencing Council Guidance on Reduction of Sentence for a Guilty Plea paragraph F1, and having regard to the circumstances I have

identified, I am satisfied that there are particular circumstances which made it unreasonable for you to indicate guilty pleas earlier than you did, and accordingly I will give you full credit of one-third.

54. Accordingly the sentence I pass on Count 4 is one of 3 years' imprisonment to reflect the totality of your offending on Counts 2, 3 and 4, and I pass concurrent sentences of 3 years' imprisonment on Counts 2 and 3.
55. Turning to Counts 5 and 6 on the offences of misuse of computer equipment. It was at one point suggested (though not at the time of sentencing) that it might be possible to view the misuse of the Thames Valley Police Computers to be an aggravating feature of Counts 2, 3 and 4, and so pass concurrent sentences. That cannot possibly be the case in respect of Count 6, which not only relates to individuals who are not the subject matter of Counts 2 to 4, but also involves serious separate offending in its own right accessing information in relation to multiple individuals. I consider a consecutive sentence is the appropriate sentence in relation to Count 6 (as I note occurred, for example, in *R v Bunyan*, supra). I impose no separate penalty in relation to Count 5 as I have already born in mind its subject matter as an aggravating factor in relation to Count 3 (as part of the total sentence in relation to misconduct in a public office).
56. The maximum sentence on indictment for an offence under s.1(3) of Computer Misuse Act 1990 is two years imprisonment. I have been referred to, and had regard to, the cases of *R. v Nichols (Andrew Alan)* [2012] EWCA Crim 2650 and *R v Khan* [2012] EWCA Crim 203. I consider that the latter is of most assistance given the facts in *Khan* and those of the present case. In *Khan* the applicant pleaded guilty to six offences of unauthorised access to computer material, contrary to the Computer Misuse Act 1990 s.1(1) and (3). The applicant was employed by a local authority and in the course of her duties she had access to a database which contained personal information. The applicant was involved in a long term relationship with a man, and they had two children. The man was subject to investigation in respect of an allegation of child abduction in relation to a teenager. The applicant had access to documents on the employer's system relating to the teenager. A check on the applicant's use of the system showed be that she had accessed information on a number of occasions, and in particular she had accessed information in relation to the teenager on 32 occasions. The Court of Appeal upheld the sentence of 8 months' imprisonment on a plea on each count concurrent. The starting point before credit for guilty plea would have been higher than that (for example, if full credit was given 12 months' imprisonment, or somewhere between 8 and 12 months' imprisonment if a lesser credit was given).
57. The unauthorised access of confidential information in databases, especially on multiple occasions and in relation to multiple individuals, is a serious offence. It amounts to a serious breach of trust and is undermining of the public's trust in the security of their personal, and confidential, information. As Thirlwall J stated (as she then was), in *Khan* at [7] and [16]:

“7. It is important that those who have dealings with public bodies, here a local authority social care team, which hold information of a personal and private nature can be confident that their information is held safely and that their confidentiality is respected by the public body and its employees. It is for that reason that there are strict rules backed up by the criminal law about access to such information.

...

16... They involve, and we repeat, serious breach of trust and an undermining of the public's confidence in the security of their personal information.”

58. The present case was, similarly, a serious breach of trust and undermining in the public's confidence in the security of their personal information on police computers, and the legitimate expectation that serving police officers will only access such information for legitimate purposes. You accessed multiple files in relation to a number of individuals, not only Ms B, but also her child and the father of her child, and an associated MASH report, all personal and private information which the public, and those who have dealings with public bodies, are entitled to be confident will be held safely, and their confidentiality respect, and will not be accessed for any unauthorised purpose.
59. The context of you accessing such information was clearly for your own personal benefit and in the context of instigating contact with Ms B with a view to encouraging a sexual relationship with her for your own sexual gratification. Whilst your attempt in that regard was unsuccessful, the researches you had undertaken as part of the backdrop to your contact with her, were extensive, related to multiple individuals, and were undertaken in circumstances where you knew full well that what you were doing was both wrong, and a criminal offence.
60. I am satisfied that your offending on Count 6 is so serious than neither a fine nor a community order would be appropriate and only an immediate custodial sentence is appropriate. I am therefore going to pass a sentence of imprisonment. This will be the shortest which in my opinion matches the seriousness of your offending and takes into account the aggravating and mitigating factors in your case. I consider that the appropriate sentence at trial on Count 6, having careful regard to totality, would be one of 9 months' imprisonment. I give you full credit for your guilty plea, which is, perhaps, generous given the timing of your plea, and accordingly the sentence I pass on Count 6 is one of 6 months' imprisonment consecutive to Counts 2, 3, 4 and 5.
61. Stand up, please, Mr Perry-Smith. The sentence I pass on Count 4 is 3 years' imprisonment, with 3 years' imprisonment concurrent on Counts 2 and 3, 6 months' imprisonment on Count 6 consecutive, and no separate penalty on Count 5, a total sentence of 3 years 6 months' imprisonment. Unless you are released earlier under supervision you will serve one half of this sentence in custody. You will then be released on licence for the remainder of your sentence. While you are on licence, you must comply with all its conditions. At any time during your licence, the Secretary of State may withdraw it and order your return to custody.
62. I impose the victim surcharge in the appropriate sum.