

Accelerated Misconduct Hearing of DC Ibrahim Khan

Introduction

1. The Accelerated Misconduct Hearing (“AMH”) of DC Ibrahim Khan took place on 23 October 2024. At the conclusion of the hearing I determined that the allegation against DC Khan was proven to the standard of gross misconduct and that the appropriate outcome was that he be dismissed without notice. I gave a verbal summary of my reasons at the hearing and told the parties that I would provide my written reasons in due course. This document sets out the reasons for my decisions.

The Allegation

2. I have listened carefully to the submissions made on behalf of the Appropriate Authority and on behalf of DC Khan. I have also considered the 212-page bundle of evidence, and the Regulation 54 response, together with the letter provided by DC Khan and the statement from Rabbi Gluck.
3. The case for the Appropriate Authority is that DC Khan has breached the Standards of Professional Behaviour, namely Authority, Respect and Courtesy, Equality and Diversity, and Discreditable Conduct. They rely on a number of screenshots which show material which DC Khan disseminated on Instagram to around 250 people, in the period from 17 October to 23 October 2023.
4. The material was comprised of images from other Instagram accounts which were posted by DC Khan to his Instagram Stories, which would have each been visible to his followers for a period of 24 hours. The AA say that individually and collectively, these messages are anti-Semitic and grossly offensive, and that in reposting them, DC Khan’s actions amount to gross misconduct.
5. During the course of submissions, the Appropriate Authority accepted that there was no evidence to prove that DC Khan was aware of the comments which had been posted underneath RRH/07 at the time he re-posted the image. The comments are set out in RRH/07/01 and are undeniably anti-Semitic and grossly offensive, however I have not taken them into account as providing any support to the case against DC Khan.

The Case for DC Khan

6. On behalf of DC Khan the following submissions are advanced:

- (1) First, it is denied that the material is anti-Semitic. A statement has been provided from Rabbi Gluck to this effect. The point is made that the IHRA definition of anti-Semitism is not legally binding and that the examples which accompany the definition are not themselves part of the definition.
 - (2) Second, it is denied that the material is grossly offensive. Reliance is placed on the decisions of the High Court in *Bussetti* and *Collins* which provide assistance as to the criminal definition of material which is grossly offensive.
 - (3) Third, it is said that the timing is highly relevant, as the material was posted at a time of considerable political and military turmoil in the Middle East, and at a time when DC Khan himself was subject to difficult personal and family circumstances. These circumstances were set out in detail in his written response, and I do not need to repeat them in this decision, save to say that I have taken account of all of the material put forward on his behalf.
7. There is no dispute between the parties that the Instagram account belonged to DC Khan and that he was responsible for posting the material, labelled in the bundle as RRH/01 to RRH/10. During the hearing, one factual dispute emerged. It was asserted on behalf of DC Khan that, contrary to the submissions of the Appropriate Authority, he had not added any text to RRH/04. It was however conceded that he had added the following text to RRH/03 – *“Every day they invent some new bullshit lie to try gain Western sympathy”* and *“fuck them”*. I find that this factual dispute makes no overall difference to the case as a whole. I have proceeded to make my findings on the version of the facts as put forward by DC Khan.

Allegation 1

8. I have given careful consideration to the submissions advanced by both parties. I have concluded that the actions of DC Khan amount to a breach of the Standards of Professional Behaviour in relation to Authority, Respect and Courtesy, Equality and Diversity, and Discreditable Conduct. I have reached this conclusion for the following reasons:
- (1) I am not assisted by the views of Rabbi Gluck. I have not heard evidence from him, and his statement was produced shortly before the hearing. He has therefore not been cross-examined by the Appropriate Authority.

- (2) Instead, I have applied the IHRA definition. This is a definition, which, whilst it is not legally-binding, has been adopted in full by the MPS. I am asked on behalf of DC Khan to separate the examples of antisemitism from the short IHRA definition. To do so would be wholly artificial. The examples are provided precisely in order to assist in interpreting the IHRA definition.
- (3) I am satisfied that a number of the posts contain material which is anti-Semitic within the IHRA definition.
- (4) The IHRA examples include *“drawing comparisons of contemporary Israeli policy to that of the Nazis”*. RRH/01 has a photograph of a mass grave from 1945 next to what purports to be a mass grave in Gaza. RRH/07 contains an image of Adolf Hitler morphing into Benjamin Netanyahu with the text *“the irony of becoming what you once hated”*. RRH/08 contains the text *“Well done Israel, Hitler would be proud”*. RRH/09 contains the text *“Gazans have none of this. It’s a concentration camp”*. I find that these four posts all draw explicit comparisons between contemporary Israeli policy and the Nazis and therefore fall within the IHRA definition.
- (5) A further IHRA example is of *“accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust”*. RRH/04 contains text stating *“don’t forget to teach about the Holocaust from a ‘neutral’ place...oh wait”*. I find that RRH/04 is clearly intended to suggest that the way in which the Holocaust is taught is somehow exaggerated or distorted, and therefore falls within the IHRA definition.
- (6) Another IHRA example is of promoting the myth of *“...Jews controlling the media, economy, government or other societal institutions”*. RRH/05 contains the text *“imagine being so powerful a group that when you deliberately kill children people are afraid to condemn you for it”*. I find that RRH/05 falls squarely within this example.
- (7) I am further satisfied that a number of the posts contain material which is grossly offensive. Reliance on the decisions of the High Court in criminal cases is misplaced. These are misconduct proceedings, and I am required to consider the Standards of Professional Behaviour, which is an entirely separate question to whether material is grossly offensive to the level required by a criminal court. RRH/02, RRH/03, RRH/06, and RRH/10 all suggest that the events of 7 October 2023, in which over a

thousand people were killed by Hamas, were a fabrication. I find that this assertion, made in the days after the attack, to be grossly offensive.

(8) Finally, I reject the submission that the timing of these posts assists DC Khan. In circumstances where he denies the material is anti-Semitic or grossly offensive, neither the wider global political situation nor his own personal circumstances prevents his posting of the material from amounting to a breach of the Standards of Professional Behaviour. The material must be considered against those objective standards.

9. Further to the above and in reflection of my comments, I find these breaches of these three standards proven as Gross Misconduct.

Outcome

10. I have given careful consideration as to the appropriate outcome in this case. I have listed the submissions of the Appropriate Authority and the mitigation put forward on behalf of DC Khan.

11. I remind myself that the police misconduct regime is not designed to punish police officers - it is about the reputation and standing of the profession as a whole. I have read the character statements submitted on his behalf and his record of service.

12. As I am required to do, I have followed the College of Policing Guidance on Outcomes. I adopt a three-staged approach in order to determine the appropriate sanction. I start with assessing the seriousness of the conduct, which is made up of culpability, harm, aggravation and mitigation.

Culpability

13. As to culpability, DC Khan's conduct was deliberate and sustained over a number of days, over a number of separate posts. In one case he took the opportunity to add further offensive comments to the image which he re-posted.

14. DC Khan is solely responsible for posting the material to his account, although I accept that there is no evidence to suggest he was aware of the highly offensive comments which had been made by other individuals.

15. Furthermore, I find it inconceivable given DC Khan's background in the CSU and as an experienced police officer, that he did not consider that these posts could be anti-semitic or highly offensive. I assess his culpability to be high.

Harm

16. As to harm, it is clear that DC [REDACTED] found the material to be both offensive and anti-Semitic. I further take into account how the behaviour of DC Khan would be perceived by the public at large were it to become known more widely.
17. Given that DC Khan had posted the material to around 250 people there was a very real risk that it could have been made public. There is very significant public feeling around the situation in the Middle East, as is clear from the number of ongoing public demonstrations, and were DC Khan's behaviour to become public, this would be likely to result in a severe deterioration in public trust and confidence in the police service as a whole and would make the policing of such demonstrations more challenging. I find that his culpability is high.

Aggravating Factors

18. Whilst the behaviour of DC Khan was sustained over a period of time and over a number of different posts, this has been taken into account in determining his culpability, and I do not assess it to be a relevant aggravating factor. In my judgment the primary aggravating factor in this case is the scale and depth of national concern about anti-Semitism and the situation in the Middle East. I find that this is a significant aggravating factor in this case.
19. Policing, and in particular the Metropolitan Police, are under significant scrutiny for their policing of issues surrounding the Israel – Palestine conflict and close focus is paid to any perception of bias where policing must police without fear or favour.

Mitigating factors

20. In mitigation, I do not accept that DC Khan can rely to any significant extent on the global political situation and the events which followed from the 07 October 2023 attack on Israel by Hamas. It provides no excuse for an officer to disseminate offensive and anti-Semitic material. Nor do his personal family circumstances provide an explanation or excuse for his conduct.

21. I take account of the character references provided on DC Khan's behalf and his record of service. However, as the guidance makes plain, a police officer will usually be able to rely on evidence of an unblemished past, but because of the importance of public confidence, the potential of such mitigation is necessarily limited.

Stage 2

22. The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements. (1) To maintain public confidence in and the reputation of the police service; (2) To uphold high standards and deter misconduct; and (3) To protect the public.

Stage 3

23. The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question. The gravity of DC Khan's behaviour means that I do not consider that any sanction less than dismissal without notice is justified.
24. It is entirely unacceptable for police officers to post anti-Semitic and offensive material on social media. The material was made available to around 250 people. Offense was caused to DC [REDACTED] and there was a significant risk of enormous harm to public confidence in the police service were his behaviour to become widely known. The conduct took place at a time of very real national public concern about the situation in the Middle East.
25. A lesser outcome would not serve to mark the seriousness of his misconduct, deter others from similar misconduct and fulfil the purpose of the police misconduct regime. The only outcome I consider appropriate is dismissal without notice and to be placed on the College of Policing barred list.