

Notice of Outcome of Police Misconduct Hearing

(Regulation 43 Police (Conduct) Regulations 2020) as amended by the Police (Conduct) (Amendment) Regulations 2024

Officer concerned: FORMER DC DAVID FALL

Date of Hearing: 3RD-7TH FEBRAURY 2025

The Panel:

DR LORNA TAGLIAVINI (LQC)

MS BERNADETTE LEVERTON (IPM)

DETECTIVE SUPT KIRSTY MEAD (ASSESSOR)

The Decisions of the Hearing

Re: Ms A

1. During your relationship with Ms A, spanning the period June 2014 to July 2017, you physically assaulted her in the following ways:
 - (i) you hit her with a broom handle on her side and / or her legs (in or about February 2015); and / or **[Not Proven as the former officer was not a serving police officer at these dates.]**
 - (ii) you held her head held under the kitchen tap and / or splashed water into her face (in or about September 2015); and / or **[Not Proven as the former officer was not a serving police officer at these dates.]**
 - (iii) you poked her in the stomach whilst pregnant and / or ripped her hooded top and / or **[Proven]**
 - (iv) forcefully removed her hooded top and / or said words to the effect that you could rape her if you wanted to (in or about May 2016), and / or **[Proven]**
 - (v) you hit her on the head by throwing your mobile telephone at her (in or about 2016), and / or **[Proven]**
 - (vi) you jabbed her in the back and / or shoulder with a fork (in or about June/July 2016); and / or **[Proven]**
 - (vii) you pulled her hair and pushed her against a doorframe or similar whilst on a caravan holiday (in or about April 2017). **[Proven]**
2. During your relationship with Ms A, spanning the period June 2014 to July 2017, and / or following its termination, you harassed and / or upset Ms A by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms A by turning up at her address uninvited. **[Proven]**

Re: Ms B

3. During your relationship with Ms B spanning the period October 2017 to March 2020, you physically assaulted her as follows: **[Proven]**

(i) you poured a pint of beer over her and / or threw a sandwich at her (in or about December 2019); and / or **[Proven]**

(iii) you pushed a sandwich into her face and / or slapped her and / or pulled her hair and / or threatened to rape her (in or about February 2020); and / or **[Proven]**

(iv) you grabbed and / or held and / or bruised her arm when she tried to leave you (in or about February 2020); and / or **[Proven]**

(v) you threw a pint of water over her. **[Proven]**

4. During your relationship with Ms B spanning the period October 2017 to March 2020, and / or following its termination, you harassed and / or upset Ms B by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms B by turning up at her address uninvited. **[Proven]**

Re: Ms C

5. During your relationship with Ms C spanning the period March 2020 to August 2020, and / or following its termination, you harassed and / or upset Ms C by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms C by turning up at her address uninvited. **[Proven]**

Re: Ms D

6. During your relationship with Ms D spanning the period September / October 2020, and / or following its termination on or about 28th October 2020, you harassed and / or upset Ms D by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms D by turning up at her address uninvited. **[Proven]**
7. During your relationship with Ms D, in or about October 2020, you showed Ms D a confidential document related to your work without any proper policing purpose. The document consisted of a photograph of a crime scene depicting the body of a deceased male. **[Proven]**

Re Ms E

8. Having met Ms E on a dating 'app' and after meeting her in person on just one occasion (on or about 25th September 2020), you harassed and / or upset Ms E by messaging her and / or calling her phone repeatedly during September / October 2020, and / or you harassed and / or upset Ms E by messaging her repeatedly and / or inappropriately when you suspected she had gone out with another person (on or about 9th October 2020). **[Proven]**

Re Ms F

9. During your relationship with Ms F spanning the period October to December 2020, you harassed and / or upset Ms F by taking a photograph of her whilst she was naked without her knowledge and / or consent and / or you harassed and / or upset Ms F by retaining that photograph on your phone without her knowledge and / or consent. **[Proven]**
10. During your relationship with Ms F spanning the period October to December 2020, and / or following its termination, you harassed and / or upset Ms F by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms F by turning up at her address uninvited. **[Proven]**
11. Following the breakup of your relationship with Ms F, in or about March 2022, you inappropriately contacted Ms F to persuade her not to further support the criminal and / or misconduct investigation into your alleged conduct. **[Proven]**

Re Ms G

12. During your relationship with Ms G spanning the period November / December 2020, you harassed and / or upset Ms G by taking a photograph of her whilst she was engaged in a sex act with you without her knowledge and / or consent. **[Proven]**
13. During your relationship with Ms G, spanning the period November / December 2020, you harassed and / or upset Ms G by looking at her private messages on her phone without her consent. **[Proven]**
14. During your relationship with Ms G, spanning the period November / December 2020, and / or following its termination (on or about 13th December 2020), you harassed and / or upset Ms G by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms G by turning up at her address uninvited. **[Proven]**

Such matters, individually and / or cumulatively, amount to gross misconduct which is so serious that your dismissal is justified.

Background

The Regulation 30 Notice stated:

DC DAVID FALL, whilst a serving member of the Metropolitan Police Service your conduct is alleged to have fallen below the standard expected of a serving police officer such as to contravene the Standards of Professional Behaviour. Such conduct amounted to gross misconduct in that:

A. There have been several complaints of domestic abuse and / or harassment made against you by seven of your former partners. The complaints span the period 2014 to 2020.

B. In 2020, a criminal investigation, named Operation Foam, was conducted by Hampshire Constabulary. You were arrested and your home was searched on 8th October 2021. Mobile telephones were seized. You were further arrested on 08/02/2022 and 28/04/2022. Ultimately, no criminal charges were pursued by the Crown Prosecution Service.

C. You were also the subject of four misconduct investigations relating to the same or broadly similar complaints. Operation Adamsa was the name given to the umbrella misconduct investigation.

D. In respect of your conduct towards the various complainants, you are alleged to have breached the Standard of Professional Behaviour pertaining to Discreditable Conduct.

E. The Code of Ethics describes the standard as follows: "I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing."

F. In respect of your conduct towards Ms D you are also alleged to have breached the Standard of Professional Behaviour pertaining to Confidentiality.

G. The Code of Ethics includes the following explanatory text: “[I will] not disclose information, on or off duty, to unauthorised recipients.”

H. For the avoidance of doubt, allegations 1 to 14 (above) are each allegations of Discreditable Conduct. Allegation 7 is also an allegation of a breach of Confidentiality.

Response to the Allegations

With regard to the Allegations as contained in the Regulation 30 Notice; the former Officer (‘the Officer’) in his Regulation 31 response denied each and every allegation and denied that he had breached the Standards of Professional Behaviour. The Panel considered the Officer’s 167 page Regulation 31 Response in reaching the decision, the interviews given by him during the course of the investigations into his alleged conduct as well as the oral and written submissions made by the Officer at the final hearing.

Burden and Standard of Proof

The Panel took into consideration that the burden is on the Appropriate Authority (“AA”) to prove on the balance of probabilities, that the Officer behaved in the manner that is alleged; and that in doing so he breached the Standards of Professional Behaviour; and that the manner of the breach is of such a nature or degree that it amounts to misconduct or gross misconduct.

The hearing

Initially, the AA intended to call numerous witnesses including the alleged victims of the Officer’s conduct (except for Ms B who has died since making her statements), as well as the other witnesses who had made statements. A three week hearing was arranged in order to accommodate the number of oral witnesses to be called by the AA and any further witnesses the Officer wished to call to give evidence on his behalf. No issues were identified as arising under the Equality Act 2010.

However, the Officer subsequently disengaged from the misconduct process and the AA was informed that he did not intend to be present at the final hearing or cross-examine any of the witnesses. In reliance on that information, the AA decided it would not call any witnesses to give oral evidence but would rely solely on their written statements. However, the AA was requested to arrange for the attendance of 1 or 2 witnesses in order to assist the Panel. The AA therefore arranged for Ms A, Ms D and Ms G to attend to give oral evidence and relied on the written evidence of the other witnesses. Consequently, the time estimate for the final hearing was

reduced to 6 days without any objection to these changes being received by or on behalf of the Officer.

The hearing was conducted in person and in public. The AA was represented by Mr Dan Hobbs of counsel who relied on the two bundles of documents provided to the Officer and to the Panel which contained the Investigation Reports, the interviews, the witness statements and other supporting documents as listed in the Index as well as the Officer's Regulation 31 Response.

The Officer did not attend on the first two days of the hearing and was not represented. During the first two days of the misconduct hearing, the AA presented the entirety of its case by way of oral and written evidence. Consequently, the oral video evidence of Ms A, Ms G and Ms D was unchallenged by the Officer, although each witness was asked questions by the Panel. The written evidence relied upon by the AA from Ms B, Ms C, Ms E, and Ms F and the other supporting witnesses, a number of whom were friends and family members of Ms A, was also presented to the Panel by way of submissions from Mr Hobbs. The AA then closed its case against the Officer.

The Officer did attend on the third day of the hearing supported by his Federation Representative DS Dave Campbell and his Welfare Officer DS Terry Goodsmann. The Officer requested to make oral submissions to the Panel. The AA did not object. The Panel heard the Officer's submissions in which he repeated his denial of all the allegations; his assertion of collusion by certain witnesses to fabricate their evidence and the political motivation on the part of the Hampshire Constabulary to actively seek out alleged victims and pursue him for misconduct, which he referred to as a 'witch hunt' and to the previous decision by the CPS not to bring any criminal charges against him on the same or similar facts. The Officer also repeated his assertions he had been the victim of a physical assault on him by Ms A and had been harassed by her. The Officer described his relationship with Ms A as 'toxic' and referred to a molestation order he had obtained against Ms A as well as the compensation he had received from the Criminal Injuries Compensation Authority for the injuries and scarring of his arm alleged to have been caused by her.

The Officer told the Panel he accepted he had sent a number of messages to a number of the alleged victims but stated this was because he was new to dating apps and was naïve in expecting an explanation after he had been 'ghosted.' The Officer referred to a number of former partners who did not make any allegations against him and the fact he is currently in a long-term successful relationship.

Having made these oral submissions the Officer asked to read out his 167 page Regulation 31 Response challenging the AA's case as his 'evidence in chief.' However, Mr Hobbs, submitted that there was little purpose in the Officer doing so, as he had neither challenged the oral evidence relied upon by the AA, nor required all of the witnesses originally listed to attend either in person or by way of video link and had therefore, acquiesced to their evidence being admitted 'on the papers.' Mr Hobbs also submitted that the AA would effectively be required to cross-examine the Officer on matters he had not in fact challenged by cross-examination of the witnesses or had accepted 'on the papers.'

The Panel found the Officer to be extremely articulate in both his oral and written submissions and it was unfortunate he had chosen not to attend the hearing throughout. The Officer gave as his reasons for non-attendance his lack of legal representation; his lack of legal qualifications; his inability to cross-examine witnesses that were his former partners and his poor mental health. The Panel was aware of the Officer's experience of the criminal court system as a member of the murder investigation team and was somewhat surprised, the Officer had not thought to have attended another misconduct hearing, to see for himself how these relatively informal hearings were conducted, as these hearings are not court proceedings, do not form part of the judiciary and do not follow either the criminal or civil rules of procedure.

Despite the presence of Mr Campbell, the Federation Representative made no submissions on behalf of the Officer and did not ask to do so. No written evidence of the Officer's poor mental health was provided to the Panel although it was invited to contact his Harley Street doctor.

The Panel agreed with Mr Hobbs' assessment, that there was little benefit in the Officer reading out his 167 page Regulation 31 Response, which comprehensively set out his denials and cross allegations. However, as this is a misconduct hearing and not a court, where evidence not challenged is deemed to have been accepted, the burden of proof remained on the AA. The Panel considered that notwithstanding the Officer had not attended the hearing to challenge the oral evidence relied upon by the AA, it was fair and proportionate to both parties, to make its determinations on the basis that the Officer disputed all of the allegations as set out in his Reg. 31 Response and interviews and challenged the evidence of all of the AA's witnesses. Consequently, it was a matter of weight for the to Panel to decide which evidence it preferred, in respect of each witness.

In light of the Officer's expressed anxiety about the misconduct proceedings, the Panel repeated its assurances that his Regulation 31 Response together with his oral and written submissions and all of the other documents relied upon by both parties, which included the AA's two bundles of documents of 1063 and 191 pages, would be taken into consideration when making its findings and reaching its decisions. As an independent panel it was not there to simply accept and 'rubber stamp' the AA's allegations, as it was for the AA to satisfy the burden and standard of proof and not the Officer.

The Panel also gave due consideration to the Standards of Professional Behaviour as set out in the Police (Conduct) Regulations 2020 and the relevant Home Office Guidance and reminded itself that the purpose of professional disciplinary proceedings is not, primarily punishment, but to protect the public and to maintain the high standards and good reputation of the Police Service.

Finally, the Panel reminded itself that it does not need to make a finding on every issue and need only make findings on those issues which it believes to be relevant and material to the allegations.

The Panel's findings of fact

The Panel finds on the balance of probabilities the following:

Allegations of physical abuse in respect of Ms A

The Panel preferred the oral and written evidence of Ms A to that of the Officer and finds the acts of physical violence in the Allegations set out above did take place. However, the Panel finds and the AA accepts that that the incidents where Ms A was (i) hit with a broom handle on the side or legs and (ii) having her head held under the kitchen did occur during a period when the Officer was not a serving police officer and therefore this conduct cannot be considered to be a breach of the Police Standards of Professional Behaviour; *Watson v Police Service Northern Ireland* [2024] NICA 7.

The Panel finds the Officer did poke Ms A in the stomach whilst pregnant; ripped her hooded top and forcefully removed it and said words to the effect that 'you could rape her if you wanted to,' hit her on the head by throwing his mobile telephone at her and jabbed her in the region of her back with a fork. The Panel found the evidence of Ms A in respect of these physical assaults was supported in parts by the written evidence of her sister and Ms A's young son with a former partner (not the Officer), none of which was challenged in cross-examination although the Officer would have been provided with an opportunity to do so, had he not informed the AA he did not wish to do so.

The Panel considered the Officer's Response to and denials of these allegations and his assertions of Ms A's aggressive behaviour and of having been physically assaulted by her, thereby causing extensive bruising to his arms, leg and thigh and permanent scarring to his arm as well as being verbally abused by her and the damage caused by her to items of furniture. In support of these assertions the Officer relied on the Non-Molestation Order granted to him in October 2018, his reports to his line manager and a payout from the Criminal Compensation Authority for the scarring of his arm alleged to have been caused by Ms A but which was unsupported by other evidence, except for a few photographs depicting an injury to his arm.

The Panel finds the evidence and the making of the Non-Molestation Order against Ms A was not tested in the County Court, as the initial Order dated 11 October 2018, was based on the Officer's evidence only and was replaced at the next hearing date in January 2019 by an undertaking by Ms A, promising not to contact or allow others to contact the Officer on her behalf. The Panel accepted Ms A's evidence that she had not broken that promise and was not required to return to court.

Further, the Panel found the photographs of bruising and scarring to the arm were of limited assistance as they did not identify the person suffering the injuries or the dates on which the photographs were taken. Although the Panels accepts the Officer was awarded compensation of £3,500 in respect of an injury, it was not provided with any further information in respect of this award.

Allegations of harassment and upsetting behaviour by frequent messaging and uninvited visits to Ms A

The Panel accepts that at times the relationship between Ms A and the Officer was unhealthy and 'toxic' and the breakdown was at times acrimonious and accepts this is demonstrated by a number of the text messages sent by Ms A and exhibited by the Officer. The Panel finds that it is possible, that the deterioration in their relationship was exacerbated by the fact that Ms A and the Officer had a child together in 2016 and when the relationship ended in 2017, Ms A believed the Officer was not always meeting his financial obligations towards their daughter.

In the absence of any challenge to Ms A's oral evidence by the Officer at the hearing and on the balance of probabilities, the Panel finds the Officer did harass and upset Ms A by frequently messaging her and turning up uninvited to her home, when he knew neither was welcome and had been asked to stop. The Panel accepts the evidence of Ms A's family members who reported the detrimental effect these incidents had on Ms A. Although the Panel finds there are inconsistencies as to dates and times in the recollections of events, the Panel is not surprised by this in view of the time passed since they occurred and the dates of their witness statements. Conversely, the Panel would have been more cautious in deciding upon the veracity of these accounts, had the statements all perfectly aligned with one another on every detail, unless a contemporaneous written record of these events had been kept.

Although the Officer alleges collusion and fabrication by Ms A's family members, the Panel finds no evidence to support these allegations and would have been surprised if members of Ms A's family with whom she lived or returned to live with, were unaware of what was happening or failed to notice the adverse effect it had upon her. The Panel also accepts that on one occasion the Officer was seen by a neighbour sitting outside Ms A's home address for an extended period before driving away, although it finds Ms A was unaware of this at the time.

Allegations of physical abuse of Ms B

As Ms B died in 2023, the AA asked for and was given permission to rely upon her written evidence. The Panel finds Ms B reported the Officer to the Police for acts of physical violence which included (i) pouring a pint of beer over her and throwing a sandwich at her in December 2019; (ii) pushing a sandwich into her face and slapping her and pulling her hair in February 2020 (at which time he also threatened to rape her); (iii) bruising her arm by grabbing her when she tried to leave in February 2020; and (iv) throwing a pint of water over her when she returned to their home the following day. Although Ms B could not give oral evidence or be cross-examined about it, the Officer did not seek to challenge this evidence during the course of the AA's presentation of its case or seek to exclude it.

It is for the Panel to determine what weight to give to any evidence and in the absence of any reason as to why she might fabricate this evidence and lie to the

Police or its investigators, the Panel accepts the evidence of Ms B and finds on the balance of probabilities the Officer did inflict the physical assaults on her as described.

Allegations of harassment and upsetting behaviour by frequent messaging and uninvited visits to Ms B (deceased)

In reaching its decision, the Panel took into account the Officer's denials and his assertions that during the course of their relationship Ms B had an affair with another man, an allegation she denied. The Officer asserted that Ms B's alleged infidelity caused the relationship to breakdown and left him requiring counselling. Although the burden of proof is on the AA to prove its case, the Panel would nevertheless expect the Officer to provide documentary evidence which is either in his possession or easily obtainable by him, to corroborate his counter-assertions of his need for counselling as a result of the breakdown of this relationship.

The Panel also took into account the witness statement of a neighbour of the Officer who did not report hearing arguing between Ms B and the Officer and had been surprised to learn they had split up after only recently having become engaged. However, the Panel accepts the written evidence of Ms B where she describes the Officer's constant texting and messaging from the early stages of their relationship and his controlling behaviour stating '*I was scared of FALL and terrified he would hurt me again*' and finds the Officer did constantly ring and email Ms B after the end of their relationship in March 2020, did cause her to change her young son's mobile number to prevent calls from the Officer being made to him and that he did turn up uninvited at a relative's house causing her anxiety and distress and a need for medication to help with her resulting depression and mental health.

The Panel finds Ms B's written evidence is supported by the witness statement of Ms Alessandra Altorio, a member of police staff, who recounts her in-person meeting with Ms B in September 2020 and during which Ms B described her ending the relationship with the Officer and that he did not '*take the break up well.*' The Panel also took into account the reports of other meetings Ms B had with investigators and finds her accounts of the Officer's behaviour are consistent despite often being given many months apart.

Allegations of harassment towards Ms C, Ms D, Ms E, Ms F and Ms G

The Panel finds the allegations made by these five witnesses concern their interactions with the Officer after the end of their respective short-term relationships, that took place in succession during the period March 2020 to December 2020. The Panel heard the unchallenged oral evidence of Ms D and Ms G and has had regard to their witness statements and the written evidence of Ms C, Ms E and Ms F.

The Panel also took into consideration the Officer's responses to these allegations in which he asserted the messaging with Ms C was mutual and exhibited a record of all calls made or missed on an unspecified Tuesday. The Officer asserted that after the relationship with Ms C had ended they remained on friendly terms and he denied

turning up unannounced or uninvited at her address or causing her alarm or distress. The Officer also asserted that Ms C and Ms D had colluded both together and possibly with another witness or witnesses when making their statements and had conspired against him. In his Reg. 31 Response the Officer referred to Ms E as being *'insecure and checking up on me'* with the relationship ending because of the physical distance between them, rather than for any other reason.

The Officer asserted Ms F had sent him uninvited, naked photographs of herself which he had deleted as he found them *'overly sexual and graphic.'* The Officer accepted he had taken a photograph while Ms F was naked but this was at her request. The Officer also asserted the evidence of Ms E had been concocted by DC Hayley Clayton in an effort to discredit him. The Officer asserted he had ended the relationship with Ms E as he wanted a long term partner and he realised *'she just was not a viable option due to her rather chaotic lifestyle.'*

In his Reg. 31 Response the Officer asserted that Ms G was *'always quite scathing towards me'*. He complained that Ms G was very controlling and critical of him. The Officer stated he found Ms G's approach towards sex *'quite unusual'* and denied it was anything other than consensual and when he was not aroused by her stated *'I think that this was quite a challenge for her and something that impacted on her confidence.'* The Officer also complained that Ms G had confronted his current partner in a bar and had assaulted him by throwing a drink over him in an unprovoked attack. Despite this incident, the Officer asserted he maintained a friendly occasional exchange of messages with Ms G and denied harassing her or causing her distress.

Although it was alleged by Ms G that she believed the Officer to be responsible for deleting emails between them from her laptop, this does not form part of the allegations made against the Officer and the Panel makes no findings in respect of this issue. However, in the absence of an challenge to her oral evidence, the Panel accepts that the Officer did look at Ms G's private messages on her phone and take an intimate photograph of her without her consent. The Panel also finds the Officer did bombard Ms G with numerous messages after their four-week relationship ended.

The Panel finds the Officer was not naïve in respect of relationships whether or not they were organised through dating apps, in view of his professional experiences as part of a murder investigation team and as an officer investigating serious sexual assaults and child abuse and finds his apparent lack of insight into his own actions is therefore, not credible. The Panel finds the Officer's manner of meeting Ms D after having driven past each other in their respective convertibles, to be disquieting and the fact of his having looked for her on social media to border on stalker behaviour.

The Panel finds that although the majority of the relationships started well, when they didn't work out or came to an end, the Officer refused to accept this and continued to send numerous messages both distancing himself from the former relationship and simultaneously demanding answers as to why the relationship had ended and sought to continue it even after he had been asked to stop.

The Panel finds it highly improbable that these witnesses colluded either among themselves or with the investigators to fabricate these allegations, as all took the time and trouble to make statements and/or be interviewed and were willing to attend the hearing and give their oral evidence to the Panel and be challenged by the Officer on it. Further, the Panel finds nothing unusual in family members, acquaintances or friends sharing their knowledge of a person they have in common and rejects the Officer's assertion that this is evidence of collusion by them.

The Panel finds these relationships with Ms C, Ms E, Ms E, Ms F and Ms G were short-lived but intense on the part of the Officer who declared to Ms D after a short period into their relationship *'I really thought we had something really good and really special' and 'I'm so into you...'* and messaged *'I adore you'* and bombarded her with hundreds of messages over the next six days, telling her *'Driven all the way here can you just come and talk', 'I want you...I'm falling for you, I love us and see and want a future with you!!!'* and only ceasing to message Ms D after been visited by a police officer and told to stop. To Ms C he messaged *'We are very physically attracted to one another, we click, we flow and we laugh a lot together. We also tick every single box for one another'* and *'Can you just call me, this is killing me.'*

The Officer wrote to Ms G after she ended the relationship of a few weeks *'I miss you terribly and all I want is to hear your voice, to talk with you and to get on with thing with you. I really want to be with you and I know how you felt about me too. You were so in love and what we have between us was unreal and not ever found.'*

The Panel finds that when the relationships ended, the Officer bombarded these witnesses with messages sometimes in the hundreds, within a short space of time, declaring his love for them or hope of a long-term relation and demanding an explanation as being 'due to him' for the subsequent break-up. The Panel also finds and accepts that the Officer quickly changed from presenting as a kind and caring person at the start of a relationship to one who was manipulative and controlling.

The Panel finds the Officer could not tolerate romantic rejection either easily or at all and that his conduct in respect of his relationship with the seven victims was controlling, obsessive and harassing and caused each of the victims distress and alarm. The Panel finds that the Officer did take intimate photographs of Ms F and Ms G without their consent. The Panel finds the Officer did seek to persuade Ms F not to make a statement to police or investigators about his conduct as recounted in the evidence of DC Clayton.

The Panel finds that although the Officer frequently painted himself as the victim rather than the aggressor, he chose not to question the witnesses the AA relied on, when he had every opportunity to do so. The Officer also chose not to call any witnesses in support, including his current partner and a friend for whom unverified statements were included in his Reg. 31 Response.

The Officer stated in his final submissions he believed Hampshire Police to have colluded against him in respect of these misconduct proceedings. However, he

offered no reasons as to why it was pursuing this course of action, other than to suggest a vendetta was being pursued by a serving police officer and aunt of Ms A, who he described as being one of the investigating officers. The Panel found the evidence of this to be tenuous and unsupported by the Investigation Reports included in the AA's bundle of documents.

The Panel, therefore, preferred the evidence of the seven victims to that of the Officer as it found it credible, consistent and supported by other witnesses and documentation.

The allegation in respect of a breach of confidentiality.

The Panel found Ms D's unchallenged oral evidence on this matter to be clear and convincing. Ms D stated she was sure the picture she had been shown by the Officer of a dead body at a murder scene, was not part of a news report but was part of a police file shown to her on the Officer's work laptop.

In conclusion, the Panel finds all of the allegations relied upon by the AA at the final hearing are proven and are breaches of the Standards of Professional Behaviour in respect of Discreditable Conduct and Confidentiality.

Findings on Gross Misconduct/Misconduct

In considering whether the proven breaches of the Standards of Professional Behaviour amount to misconduct, that is a breach of the Standards that is so serious as to justify disciplinary action or gross misconduct, that is breach of the Standards that is so serious as to justify dismissal, the Panel considered the seriousness of the proven breaches and the level of culpability of the Officer and the level of harm caused to the reputation of the police service.

The Panel finds the Officer was solely responsible for his acts of violence and harassment and that this cannot be excused as an entitlement to a 'private life.' The Panel finds that as a serving police officer he knew better than to engage in physical violence and harassing behaviour towards woman, whether or not they had placed a degree of trust in him as a serving police officer. The Panel finds the Officer's actions of physical abuse towards Ms A and Ms B and the acts of harassment towards all seven women were deliberate and intentional.

The Panel is aware of the term 'violence against women and girls' refers to acts of violence or abuse that are known to disproportionately affect women and girls and where committed by a serving police officer is particularly highly damaging to public confidence in the service. The Panel finds that a high degree of harm has been caused to the reputation of the police service by reason of the Officer's proven breaches.

The Panel finds that the Officer's breach of confidentiality is also capable of causing serious reputational harm to the police service and that he knew, that under no circumstance he was permitted to disclose this information to a member of the public.

The Panel finds that:

The acts of physical violence against Ms A and Ms B, both individually and collectively amount to gross misconduct.

The acts of harassment against all seven women cumulatively amount to gross misconduct.

The breach of confidentiality amounts to gross misconduct.

Finding on outcome, including any aggravating or mitigating factors affecting the seriousness of the failures in standards

As this matter concerns a former police officer where a finding of gross misconduct has been made and the Panel decides to impose disciplinary action, this can only be that the former officer would have been dismissed if still serving. If the finding is gross misconduct but the Panel determines that dismissal is not justified, then no action will be taken and the gross misconduct will be recorded.

However, before the Panel decided whether to impose disciplinary action, it was required to follow the same process that applies to serving officers in arriving at what the appropriate sanction would have been. The College of Policing Guidance on Outcomes in Police Misconduct Proceedings is a document that clearly sets out the stages of the decision-making process and the Panel has applied those Guidelines and that process to its decision-making.

The first stage of deciding on the outcome is to assess the seriousness of the conduct.

The second stage is to keep in mind the purpose of the police misconduct regime. This has three elements (i) to maintain public confidence in and the reputation of the police service; (ii) to uphold high standards and deter misconduct and (iii) to protect the public. The police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question.

In assessing the seriousness of the Officer's conduct the Panel had regard to the (i) the culpability of the Officer; (ii) the harm caused to the reputation of the police service by that conduct; (iii) any aggravating factors and (iv) any mitigating factors.

The Panel considers that the officer deliberately and intentionally carried out acts of physical violence, harassment and disclosure of confidential information, for which he was solely responsible and for which there was no justification.

The Panel finds that physical harm and/or psychological distress has been caused to the seven victims by reason of the Officer's behaviour. This behaviour is a matter of particular concern to the public, the seriousness of which is exacerbated by the context in which it occurred i.e. each time during the course of an intimate relationship and afterwards when it had broken down. The Panel finds that the proven breaches would significantly undermine public confidence in the police service and are likely to be of national concern.

The Panel finds the Officer's breaches of the Professional Standards are aggravated by the physical violence and harassment he inflicted on the women concerned; the acts took place over a period of years; were deliberate and repeated and concerned multiple victim and have led to multiple breaches of the Standards of Professional Behaviour being found proven.

Other than the longevity of the Officer's service, the Panel was unable to identify any other mitigating factors, as the Officer has shown no remorse or insight, continues to deny the breaches other than to admit sending numerous messages which he accepts that the highest amounts might amount to misconduct.

Although the Panel had regard to the Officer's HR record and heard personal mitigation from his current partner, the Panel found little by way of personal mitigation to influence its decision.

Consequently, the Panel concluded that the seriousness of the proven breaches was at the highest level.

The Panel then went on to remind itself of the purpose of police disciplinary proceedings which is to maintain public confidence in and the reputation of the police service; to uphold high standards and deter misconduct, and to protect the public. The Panel finds the Officer did not uphold the high standards expected of him as a serving police officer and that his conduct has significantly undermined the reputation of the police service. Further, the Officer's conduct did not serve to protect but caused harm to multiple members of the public.

In conclusion, the Panel finds that it appropriate to impose a disciplinary sanction and that the only sanction it can impose is a finding that the Officer would have been dismissed if still serving.

The Panel also makes a determination that the Officer should be placed on the barred list.

Decision on publication

Objections were made by the Officer to the publication of the Panel's decision as he maintained he had not committed the proven breaches. However, the Panel determined the Panel's decision should be published and it is the Panel's decision is that the decision should be published in accordance with the requirement in Regulation 43(6) since it is important that these hearings and decisions are transparent.

**IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE
POLICE (CONDUCT) REGULATIONS 2020**

B E T W E E N:

THE COMMISSIONER OF POLICE OF THE METROPOLIS

Appropriate Authority

And

DC DAVID FALL

Officer Concerned

REGULATION 30 NOTICE

DC DAVID FALL, whilst a serving member of the Metropolitan Police Service your conduct is alleged to have fallen below the standard expected of a serving police officer such as to contravene the Standards of Professional Behaviour. Such conduct amounted to gross misconduct in that:

BACKGROUND

- A. There have been several complaints of domestic abuse and / or harassment made against you by seven of your former partners. The complaints span the period 2014 to 2020.
- B. In 2020, a criminal investigation, named *Operation Foam*, was conducted by Hampshire Constabulary. You were arrested and your home was searched on 8th October 2021. Mobile telephones were seized. You were further arrested on 08/02/2022 and 28/04/2022. Ultimately, no criminal charges were pursued by the Crown Prosecution Service.
- C. You were also the subject of four misconduct investigations relating to the same or broadly similar complaints. *Operation Adamsa* was the name given to the umbrella misconduct investigation.
- D. In respect of your conduct towards the various complainants, you are alleged to have breached the Standard of Professional Behaviour pertaining to Discreditable Conduct.
- E. The Code of Ethics describes the standard as follows: *“I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.”*

- F. In respect of your conduct towards Ms D, you are also alleged to have breached the Standard of Professional Behaviour pertaining to Confidentiality.
- G. The Code of Ethics includes the following explanatory text: “[I will] not disclose information, on or off duty, to unauthorised recipients.”
- H. For the avoidance of doubt, allegations 1 to 14 (below) are each allegations of Discreditable Conduct. Allegation 7 is also an allegation of a breach of Confidentiality.

ALLEGED VICTIMS

Former Partner	Date of Relationship
Ms A	June 2014 to July 2017
Ms B	October 2017 to March 2020
Ms C	March 2020 to August 2020
Ms D	September / October 2020
Ms E	September / October 2020
Ms F	October to December 2020
Ms G	November / December 2020

VIOLENCE AGAINST WOMEN AND GIRLS

- I. The term 'violence against women and girls' refers to acts of violence or abuse that are known to disproportionately affect women and girls. As set out in the College of Policing Guidance on Outcomes in police misconduct proceedings, policing has come under national scrutiny through high-profile cases where there has been a failing to prevent or protect women and girls from abuse and violence, and/or violence has been perpetrated by those serving the police. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated. Violence against women and girls perpetrated by a police officer, whether on-duty or off-duty, will always have a high degree of culpability, with the likely outcome being severe.

ALLEGATIONS

For the purposes of the following allegations:

- *‘messaging’ includes text messages, voice messages, emails, and messages sent over mobile apps including but not limited to Dating Apps, WhatsApp, Facebook and Instagram*

- *'calling' means a telephone call or video call conducted on a mobile phone whether using a standard network or over mobile apps including but not limited to Dating Apps, WhatsApp, Facebook and Instagram.*
- *The words 'harassed', 'upset', 'inappropriately' and 'repeatedly' adopt their ordinary everyday meanings.*

Ms A

1. During your relationship with Ms A, spanning the period June 2014 to July 2017, you physically assaulted her in the following ways:
 - (i) you hit her with a broom handle on her side and / or her legs (in or about February 2015); and / or
 - (ii) you held her head under the kitchen tap and / or splashed water into her face (in or about September 2015); and / or
 - (iii) you poked her in the stomach whilst pregnant and / or ripped her hooded top and / or forcefully removed her hooded top and / or said words to the effect that you could rape her if you wanted to (in or about May 2016), and / or
 - (iv) you hit her on the head by throwing your mobile telephone at her (in or about 2016), and / or
 - (v) you jabbed her in the back and / or shoulder with a fork (in or about June/July 2016); and / or
 - (vi) you pulled her hair and pushed her against a doorframe or similar whilst on a caravan holiday (in or about April 2017).
2. During your relationship with Ms A, spanning the period June 2014 to July 2017, and / or following its termination, you harassed and / or upset Ms A by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms A by turning up at her uninvited address.

Ms B

3. During your relationship with Ms B spanning the period October 2017 to March 2020, you physically assaulted her as follows:
 - (i) you poured a pint of beer over her and / or threw a sandwich at her (in or about December 2019); and / or
 - (ii) you pushed a sandwich into her face and / or slapped her and / or pulled her hair and / or threatened to rape her (in or about February 2020); and / or
 - (iii) you grabbed and / or held and / or bruised her arm when she tried to leave you (in or about February 2020); and / or
 - (iv) you threw a pint of water over her.
4. During your relationship with Ms B spanning the period October 2017 to March 2020, and / or following its termination, you harassed and / or upset Ms B by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms B by turning up at her address uninvited.

Ms C

5. During your relationship with Ms C, spanning the period March 2020 to August 2020, and / or following its termination, you harassed and / or upset Ms C by messaging her and / or calling her repeatedly and / or you harassed and / or upset Ms C by turning up at her address uninvited.

Ms D

6. During your relationship with Ms D, spanning the period September / October 2020, and / or following its termination on or about 28th October 2020, you harassed and / or upset Ms D by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms D by turning up at her address uninvited.
7. During your relationship with Ms D, in or about October 2020, you showed Ms D a confidential document related to your work without any proper policing purpose. The document consisted of a photograph of a crime scene depicting the body of a deceased male.

Ms E

8. Having met Ms E on a dating 'app' and after meeting her in person on just one occasion (on or about 25th September 2020), you harassed and / or upset Ms E by messaging her and / or calling her phone repeatedly during September / October 2020, and / or you harassed and / or upset Ms E by messaging her repeatedly and / or inappropriately when you suspected she had gone out with another person (on or about 9th October 2020).

Ms F

9. During your relationship with Ms F, spanning the period October to December 2020, you harassed and / or upset Ms F by taking a photograph of her whilst she was naked without her knowledge and / or consent and / or you harassed and / or upset Ms F by retaining that photograph on your phone without her knowledge and / or consent.
10. During your relationship with Ms F, spanning the period October to December 2020, and / or following its termination, you harassed and / or upset Ms F by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms F by turning up at her address uninvited.
11. Following the breakup of your relationship with Ms F in or about March 2022, you inappropriately contacted Ms F to persuade her not to further support the criminal and / or misconduct investigation into your alleged conduct.

Ms G

12. During your relationship with Ms G, spanning the period November / December 2020, you harassed and / or upset Ms G by taking a photograph of her whilst she was engaged in a sex act with you without her knowledge and / or consent.
13. During your relationship with Ms G spanning the period November / December 2020, you harassed and / or upset Ms G by looking at her private messages on her phone without her consent.

14. During your relationship with Ms G spanning the period November / December 2020, and / or following its termination (on or about 13th December 2020), you harassed and / or upset Ms G by messaging her and / or calling her phone repeatedly and / or you harassed and / or upset Ms G by turning up at her address uninvited.

Such matters, individually and / or cumulatively, amount to gross misconduct which is so serious that your dismissal is justified.