

IN THE MATTER OF

GROSS MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT) REGULATIONS
2020 BETWEEN:

COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

v

PC JONATHAN WAS

RESPONDENT OFFICER

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE
POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

1. The misconduct hearing for PC Was ('the Officer') was held in public between 23 and 25 March 2026 at Palestra House, London. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 ("the 2020 Regulations").
2. The Panel comprising Commander Andy Brittain (Chair), Ms Alison Abu and Ms Deborah Fajoye (Independent Panel Members), attended by Legally Qualified Advisor Tiffany Nestour, considered and heard evidence on one allegation in respect of the Officer.
3. The Appropriate Authority ("the AA") with consent from the Defence Representative asked the Panel to amend the allegation contained in the Regulation 30 notice to the following:

PC Was it is alleged that on 18 July 2024:

- a) you accessed sensitive information regarding Officer A following Officer A's arrest on 17 July 2024 without a proper policing purpose, and/or
- b) you accessed the custody image of Officer A following Officer A's arrest on 17 July 2024 without a proper policing purpose, and/or

- c) disclosed sensitive information regarding Officer A's arrest to colleagues without a proper policing purpose.
- 4. The Appropriate Authority alleged that his conduct amounted to gross misconduct and breached the following Standards of Professional Behaviour:
 - a) Confidentiality
 - b) Discreditable Conduct
 - c) Orders and Instructions
- 5. The conduct alleged above was alleged by the Appropriate Authority to amount to gross misconduct.

Were the Standards of Professional Behaviour engaged?

- 6. The Panel considered firstly the question of whether the Standards were engaged and were satisfied that they were. The Officer was on duty during the events that led to the Allegation and even if he was off duty at the time that the second part of the Allegation is alleged to have taken place, all three standards alleged to have been breached, were indeed engaged. Paragraph 2.17 to 2.23 of Home Office Guidance on Police Misconduct ("the Guidance") states that police officers should not behave in a manner that discredits the police service or undermines public confidence – at any time.

Facts in dispute

- 7. In the Officer's initial statement during investigation, he admitted that he had accessed the Connect custody whiteboard relating to Officer A and that he had sent an image of the custody whiteboard to another person.
- 8. It was the Officer's position at the hearing, as stated by his union representative, that he had not accessed a custody record or image in respect of Officer A. This hinged on the interpretation of the word 'accessed'. In submissions on behalf of the Officer, it was suggested that accessing the custody whiteboard of Holborn custody suite, and hovering over the line relating to Officer A, such as to bring up an expanded thumbnail of Officer A's photograph, did not constitute 'accessing' that information.

9. It was further the Officer's position that the information he sent to another individual was not 'sensitive information'. He had admitted in his interview under caution that what he thought he had sent was an image of the custody whiteboard.
10. The Officer had conceded in his interview and statement that he did not have a proper policing purpose for accessing any custody information in respect of Officer A or for sending such information to another.
11. In terms of evidence, the Panel considered the documentary evidence submitted as part of the main and addendum bundle, and the oral testimony of PC Palmer, PC King and APS Sehmi.

Findings of Fact

12. The Panel looked first at whether the information referred to in part (a) and part (c) was sensitive.
13. In directions prior to deliberations the LQA in respect of sensitivity of information referred the Panel to the fact that 'sensitive information' is not defined in the Data Protection Act 2018. However, Part 3 of that legislation at section 11(2) defines criminal offence data as 'criminal convictions etc data' means personal data relating to –
 - a) The alleged commission of offences by the data subject, or
 - b) Proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings'.

Special conditions in the legislation referred to above for the processing of such data differentiate it from other types of data that are not Special Category Data in that the processing rules are far stricter.

The Panel considered the nature of a custody whiteboard and the information on it and decided that it would fit the definition of criminal convictions etc. data, and as it identified persons who had been arrested for criminal offences the whiteboard data even without the photograph was properly classified as sensitive information. The custody photograph, depicting the personal image of a person in police detention on suspicion of a criminal offence, was similarly to be classed as sensitive information.

14. In respect of whether the Officer accessed the custody image of Officer A, the Panel weighed the evidence before it. The Panel firstly considered what 'access' meant and applied the ordinary dictionary definition of 'the opportunity or right to use something or to see somebody/something'. It was clear that the Officer had seen the custody image. Then, the Panel considered the documentary evidence in the bundle which was not disputed by the Defence. The DPS Audit statement clearly evidenced that the Officer accessed a number of other custody whiteboards earlier on the 18 July 2024 before opening the Holborn custody whiteboard. The audit showed that the Officer loaded a thumbnail image which was related to Officer A, and the oral evidence of PC Palmer was persuasive that this would have happened as the images are shown in a compressed format to the side of the screen. Essentially, when hovering over the line related to that detainee, the custody image, or photo of the detainee, would expand.
15. The Panel's view was that the Officer, on this evidence alone, is proven to have accessed the custody image of Officer A. This did not mean he was proven to have downloaded or saved it; however he has deliberately selected the custody whiteboard of Holborn station and has hovered over the line relating to Officer A which gave him access to a larger version of the image. Even if he had not hovered over the line, the image was nevertheless displayed on screen and therefore he would have already accessed it.
16. The Panel had regard to the Officer's evidence. Although he chose not to give evidence at the Hearing, in his statement under caution given during the investigation on 13 January 2025, he admits accessing the whiteboard at Holborn custody and that he was specifically looking for Officer A's details, stating that this was in order to disprove gossip. He admitted that he hovered over the image to check that it was the Officer A he knew. He further admitted that he had no proper policing purpose for doing so.
17. The Panel felt that the evidence was clear that the first two limbs of the allegation (1a and 1b) were proven – the Officer did access sensitive information regarding Officer A without a proper policing purpose for doing so. This finding applied whether or not it was the whiteboard alone or the enlarged custody image of Officer A. However, on the evidence, the Panel found it proven that the Officer accessed both the custody whiteboard and the custody image of Officer A.

18. In relation to the third limb of the allegation, the Panel moved on to consider whether as a matter of fact the Officer sent the data to colleagues, and if so whether that was sensitive data.
19. In his statement under caution, the Officer admitted that he believed he had sent a screenshot of the custody whiteboard, which contained Officer A's name, in an attempt to establish what had happened in relation to his arrest. This admission was clear to the Panel and found to be the best evidence before it that the Officer had, in fact, sent data to another individual. In accordance with the definition set out in the Data Protection Act 2018, as set out above, the Panel was satisfied that the information disclosed constituted sensitive personal data, and therefore its transmission amounted to the sharing of the sensitive information as alleged in limb (c) of the allegation. The Panel also heard from PC Palmer who gave evidence that on the 18 July 2024 he received a disappearing WhatsApp message from the Officer, and that he received a further disappearing message from him on 29 July 2024. His recollection was not clear as to what exactly he saw and his evidence was contradictory in parts. However, PC Palmer's evidence that he observed the Connect branding within the message and recognised the image as a custody whiteboard and a custody image of an individual, was clear and persuasive. He stated that he could not recall which of the two disappearing WhatsApp messages contained the Connect custody image, however he was clear that one of them was of a Connect custody whiteboard and with the expanded photograph of a detainee. He states that he did not immediately recognise the identity of the detainee. However, he gave evidence that, at some point thereafter, he formed the view that the individual depicted was Officer A. When questioned by the Officer's representative, PC Palmer gave conflicting evidence as to whether that realisation or suspicion came a few days after receipt of the image or later, in November 2024, when he became aware that a DPS investigation into the Officer was underway for sharing such information. PC Palmer also gave evidence that he had not had any conversations with PC King about this matter.
20. PC King gave evidence that PC Palmer approached him at work. Although he could not recall when the conversation took place, he was clear that it occurred in a locker room and he recalled PC Palmer telling him that he had spoken to his Sergeant about having received an image from the Officer. The Panel considered that this evidence assisted in dating the conversation to November 2024, having regard to PC Palmer's evidence that it was in November that he reported the matter to his Sergeant.

21. Additionally, PC King confirmed that he did not receive any custody image from the Officer and expressed the view that PC Palmer lacked confidence that the image he had received from the Officer was that of Officer A. The Panel found PC King to be a credible witness whose account in the hearing did not differ from his statement to any material extent.
22. There were several inconsistencies in PC Palmer's account, in that he was unclear about when he realised that the custody image he had briefly seen could have been Officer A. Also, that he stated in evidence that he had not spoken to PC King about it, although he did say that he told several officers that he was involved in the hearing. PC Palmer spoke about his regret at his reticence to report another officer and said he knew he was wrong.
23. The Panel considered that the evidence from PC Palmer was weak, and that in their view PC Palmer, was to some extent, attempting to protect himself. The Panel noted that, if PC Palmer had suspected that the Officer had sent a custody image via WhatsApp without a proper policing purpose, he ought to have reported it promptly. Instead, he did not do so until November 2024, at which stage he was aware that the DPS was involved.
24. That said, the Panel considered, albeit weak evidence from PC Palmer, when taken together with the admissions from the Officer, it was satisfied on the balance of probabilities that the Officer did send an image of the custody whiteboard, which contained a custody image of Officer A, to PC Palmer. The Panel further considered that the Officer had no proper policing reason to do so. The Panel were mindful of the fact that the allegation is that the Officer disclosed sensitive information to colleagues, in the plural. The Panel found that the Officer had sent a custody image of Officer A to PC Palmer. However, PC Palmer in his evidence stated that the reason he had not come forward sooner was that he struggled with reporting the behaviour of other colleagues, which he now accepts was wrong. He explains that this contributed to his delay in reporting his suspicions until November 2024 after he became aware that the matter was being investigated by DPS. The Panel found, on the balance of probabilities, that it was therefore not PC Palmer who had originally alerted DPS to the allegation that the Officer had shared information relating to Officer A. The DPS report showed that on 1 August 2024 anonymous information was received that the Officer had taken a photograph of the custody record and shared it with other members of E team and turned on disappearing messages in order to avoid detection.

25. The Panel considered that as it was not PC Palmer that submitted the anonymous allegation, it must have been another officer and on that basis the Panel found it proven on the balance of probabilities that the Officer had sent the image to more than one colleague. The Panel also took into account the Officer's admission that he had shared a screenshot of the custody whiteboard with another individual. However, the details of this admission on transmission were limited, including the identity of the recipient and the timing of the communication. Taken in the round, and for the reasons set out above, the Panel concluded that it was more likely than not that the Officer had disseminated the image to more than one colleague.
26. In relation to whether that information was sensitive, the Panel felt that any information contained on a custody whiteboard was sensitive information. They took into account the provisions of the Data Protection Act 2018 section 11(2) and the fact that such data has special rules for its processing rendered it, in the Panel's view, sensitive.
27. The Panel was therefore satisfied, on the balance of probabilities, that the facts contained in the allegation were proven in full.

Standards of Professional Behaviour

28. The Standards which are alleged to have been breached are:
Confidentiality, Discreditable Conduct and Orders & Instructions.
29. In respect of Confidentiality, the Panel found that the Standard was breached. The Officer only had access to the whiteboard information because he is a Police Officer and, by sharing that information without a proper policing purpose, he has breached the Standard. The Panel was clear in its mind that it did not matter that the Officer had sent the information to another serving Officer rather than a member of the public; what mattered was the fact that he had no proper policing purpose for accessing or sending the information. The Panel also took into account that he did so on a personal device, using a social media application (WhatsApp).
30. In respect of Discreditable Conduct, the Panel found that the Standard was breached. The misuse of information to which an officer is privy by virtue of their profession, is an abuse of privilege which discredits the police service and could seriously undermine public confidence. The Panel felt strongly that any person

detained in police custody is entitled to the respect and dignity of their information being used only for prescribed and proper policing purposes.

31. In respect of Orders & Instructions, the Panel felt that it was part of the basic training of an Officer to know that data such as a custody whiteboard must only be processed lawfully and that without a proper policing purpose it was unlawful to access or share it. Therefore, the Officer's actions breached this Standard.

Level of Seriousness

32. The Panel carefully considered the circumstances of the case, and the breaches found to assess whether the breaches amount to misconduct, gross misconduct or neither.
33. Under the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings, gross misconduct is defined as:
"A breach of the Standards of Professional Behaviour that is so serious that dismissal would be justified."
34. To assess the seriousness of the found conduct at this stage, the Panel had regard to the above Guidance, whilst acknowledging the full analysis of the four factors of culpability, harm, aggravating and mitigating factors are to be considered at the second stage of 'outcome'.
35. The Panel determined that the Officer's conduct meets the threshold of gross misconduct cumulatively as the Officer has been found to have deliberately searched several different custody whiteboards across London stations and in two separate searches, for the custody record of Officer A. He then read sensitive information thereon regarding Officer A and disseminated that information to colleagues without having a proper policing purpose for doing so. The safe use of sensitive information is fundamental to public confidence in a police force and to have accessed and used sensitive information in the manner proven undermines that confidence. The Officer demonstrated knowledge at the time he was interviewed that this was wrong as he admitted he had no proper policing purpose for doing so. The Panel is entirely satisfied that the misconduct is properly to be categorised as gross misconduct.

Part 2: Decision on Outcome

36. Regulation 42 (14) of the procedure provides that when considering the question of disciplinary action, before any such question is determined, the Panel:

- Must have regard to the record of police service of the officer concerned.
- May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
- Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.

37. The Panel heard submissions from both parties as to the appropriate outcome. The Panel also had sight of the Officer's service record as well as the character evidence previously provided and the statement in mitigation provided by the Officer.

38. The Panel was directed by the Officer's representative to an outcome in another misconduct case involving the disclosure of police information and invited to consider that it should apply the same sanction of Final Written Warning as his view was that the case cited concerned breaches more serious than in this case.

39. The Panel read the outcome of the case in question and, although it is not bound to follow such cases as authority, acknowledged that other similar case outcomes can be persuasive. The Panel was not of the view that it should follow the sanction imposed in that matter as they had limited information as to the reasons for that sanction.

40. The Panel has regard to the Outcomes Guidance and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public interest and to declare and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Outcomes Guidance. The Panel approached its decision on outcome in three stages to determining the appropriate sanction:

Stage 1: Assess the seriousness of the misconduct.

Stage 2: Keep in mind the purpose of disciplinary action

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

41. In assessing the seriousness of the conduct found proven the panel have had regard to four issues namely: the Officer's culpability, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigation factors

Stage 1: Assessing seriousness

CULPABILITY

42. The level of culpability in this case was assessed as High. The conduct was deliberate rather than accidental or simply reckless. On the evidence it was motivated by curiosity and gossip and the Panel did not accept his assertion that his motivation was to disprove the gossip or prevent it from spreading. Setting the messages to disappearing, in the Panel's view, suggested that the Officer hoped to avoid detection and demonstrates clear knowledge of wrongdoing.
43. The Panel felt that the Officer's lack of insight into the seriousness of accessing a custody whiteboard or image due to curiosity and sending it to another Officer was wholly incompatible with the office of constable. Of particular note was the absence of any insight evidenced in his mitigation statement or in any of the statements made during the investigation, beyond a recognition that what he had done was wrong. Such actions can constitute a criminal offence under the Computer Misuse Act 1990 or Misconduct in Public Office under common law.

HARM

44. The Panel also considered the harm that could have been caused to Officer A by the Officer's actions. Sharing a photograph or even simply the fact of an arrest for criminal behaviour, would in the Panel's view have caused Officer A to feel humiliated and unsupported at what may have been a real low point in his life and he should have been able to count on the respect and professionalism of his colleagues in preserving his dignity at that time. This could undermine the confidence of other officers in their teams and accordingly the level of harm was assessed as High.
45. The Panel also considered that the potential harm to the reputation of the Metropolitan Police force was high. Members of the public need to know how seriously their privacy and dignity will be safeguarded and the actions proven in this case could seriously undermine confidence in the Police.

AGGRAVATING FACTORS

46. The Panel considered that having found as a matter of fact that on the balance of probabilities this information had been sent to several colleagues, this was an aggravating feature compared to if it had been confined to one instance of sharing.
47. The Panel felt that the fact that this course of conduct, although relating to one incident, breached three of the Standards of Professional Behaviour, was an aggravating feature.

MITIGATING FACTORS

48. The Panel considered that this was on the face of it an isolated incident in an otherwise successful career as a Police Constable.
49. The Panel considered the fact that although the sharing of the information was unlawful, it was not shared with members of the public.
50. Further, that the information shared was limited to the information on the whiteboard and the custody image. There was no evidence that the Officer had shared the custody record and although the initial disclosure to DPS made other allegations, these were not part of the case before the Panel and had not been taken forward.

PERSONAL MITIGATION

51. The Panel took into account the Officer's previous record of service and the personal mitigation submitted on his behalf by way of statements from other serving officers and his own statement to the Panel.
52. The Panel was throughout their deliberations mindful of the risk of double counting and have taken this into account when deciding on outcome.

Stage 2 - purpose of the regime

53. The Panel were reminded of the three-fold purpose of the misconduct regime in considering the appropriate outcome in this case; particularly 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.

Stage 3 - appropriate outcome

54. The Panel started, as they are required to do (due to this being a pre-commencement allegation to the May 2025 Regulatory changes), with consideration of the least severe sanction first. The possible sanctions were:

a) Final Written Warning

55. The Panel did not consider that public confidence would be maintained by imposing a final written warning, particularly in view of the concealment element which has been proven through the use of disappearing messages. In addition, they had significant concerns as to the deterrent effect on other officers. A final written warning, of the maximum length, would not in their view deter others or appropriately mark the seriousness of his conduct.

b) Reduction in rank

56. The Panel acknowledged that this was not an appropriate sanction for them to consider in this case as the Officer's rank is that of constable.

c) Dismissal without notice

57. The remaining option is dismissal without notice. The Panel concluded that the only appropriate outcome due to the nature and severity of the breaches of the Standards of Professional Behaviour was dismissal without notice.

58. Therefore, the outcome is that the Officer is dismissed without notice. Accordingly, he is to be placed on the barred list.

Commander Andy Brittain

25 March 2026