

DC Gavin Markey Warrant No: P219413

Accelerated Misconduct Hearing Finding and Outcome

Regulation 63(1) Report

1. This matter comes before me as an accelerated misconduct hearing under Part 5 of the Police (Conduct) Regulations 2020.
2. The hearing was conducted by me, Commander Colin Wingrove, on 12 August 2026 in person at Patrick Dunne House, Chalk Pit Way, SM1 4RD.
3. I have had the benefit of the papers in advance of today and read them carefully before the hearing started, along with viewing the CCTV material. I am satisfied that the required notices under the Police (Conduct) Regulations 2020 have been served. These are matters which have not, in any case, been disputed before me.
4. I am satisfied DC Markey has been properly served with the papers and Regulations 51 to 53 of the Police (Conduct) Regulations 2020 have been complied with.

Hearing in Public

5. The hearing was held in public pursuant to Regulation 59(1) of the Police (Conduct) Regulations 2020, as amended.

Representation

6. The Appropriate Authority ("AA") was represented by Case Manager, Mr Aaryan Sattani.
7. DC Markey did not attend the hearing and was not represented.
8. I was advised by a Legally Qualified Person, Ms Shah who provided her advice on the record.

The Allegation

9. On 19 May 2026, at Stevenage Magistrates' Court, you were found guilty of a criminal offence, namely assault by beating, contrary to section 39 of the Criminal Justice Act 1988. You were ordered to pay costs of £300 to the Crown Prosecution Service.

Professional Standards of Behaviour

10. The Appropriate Authority contends the conduct breached the Standards of Professional Behaviour under Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024 and 2025), namely:
 - i. **Discreditable Conduct** – in that the conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.
11. If proven, individually or cumulatively the conduct amounts to gross misconduct and dismissal may be justified.

The Facts

12. The main issues of fact which I have to decide is whether the Appropriate Authority has proved on the balance of probabilities the allegation against DC Markey.
13. The allegation is founded upon the criminal conviction of DC Markey at Stevenage Magistrates' Court on the 19th May 2026 for assault by beating contrary to section 39 of the Criminal Justice Act 1988. I set out the relevant facts below.
14. In the early hours of 1 June 2025, DC Markey was off duty at Water Lane Lounge & Cellar Bar, Bishop's Stortford, Hertfordshire. DC Markey was present with his friend. An altercation occurred between DC Markey and his friend on the one hand, and brothers Person A (the victim) and Person B on the other. DC Markey and the victim were strangers to each other.
15. CCTV from inside the bar captured the incident. The footage shows DC Markey engaging in an overly exuberant and boisterous manner on the dance floor, directly in front of Person A, holding onto him, at times with his face within Person

A's face. Person A is said to have felt uncomfortable and thought DC Markey was almost trying to get him in a headlock and sought to defuse the situation by being 'friendly' and 'chill'.

16. On the CCTV (RD/01 at 1:29), DC Markey is seen to punch Person A to the stomach with both fists. DC Markey's friend then stepped forward and punched Person A several times to the stomach. Person B intervened, followed by security staff.
17. After the assault by DC Markey's friend, DC Markey stepped between Person A and his friend. He appeared to check on the victim. DC Markey's friend has separately received a conditional caution for his role in the incident.
18. Following review of the CCTV by Hertfordshire Police, DC Markey was identified as a suspect. He attended a voluntary interview on the 16th September 2025 and was legally represented. He admitted his presence at the venue and that he had been drinking, described his interactions with the brothers as boisterous and positive, denied any aggression, and denied the assault.
19. DC Markey was charged on the 14th November 2025 with one count of assault by beating. He appeared at Stevenage Magistrates' Court on the 10th December 2025 and entered a not guilty plea; trial was listed for 19 May 2026.
20. On 19 May 2026, following trial before District Judge Thorn at Stevenage Magistrates' Court, DC Markey was found guilty of assault by beating. Two defences were advanced: (1) horseplay and (2) lawful self-defence.
21. The court rejected the defence of horseplay. The Judge found that the strikes on Person A were deliberate and not in keeping with horseplay.
22. The court further rejected the defence of self-defence. It was noted that when interviewed, DC Markey gave no concern for his safety or personal space. In fact, his contention was the opposite, in that he claimed it was "a good night". It was also noted that self-defence only emerged after a more forensic review of the CCTV following his arrest and charge.
23. Following his conviction, DC Markey received an absolute discharge, on the basis of his previous good character and given that he had helped the victim after assaulting him. Further, Person A approached the police and court to say he did not wish to be responsible for DC Markey losing his job if convicted. DC Markey was also ordered to pay costs of £300.

24. If this allegation is proven, then I must decide whether it amounts to breach of the following standard of behaviour:
- i. Discreditable Conduct – Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Officer's position

25. DC Markey has indicated an intention to appeal the criminal conviction. No Regulation 54 response has been received, and DC Markey has voluntarily absented himself from the proceedings.

Decision on Finding

26. I have applied Regulation 61(15) of the Police (Conduct) Regulations 2020. DC Markey stands convicted at Stevenage Magistrates' Court of assault by beating contrary to section 39 of the Criminal Justice Act 1988. He was convicted on the 19th May 2026 following a contested trial.
27. A criminal conviction constitutes effectively conclusive and incontrovertible evidence that the conduct occurred. The allegation in this case is founded directly upon that conviction.
28. I am aware that DC Markey has indicated an intention to appeal the conviction. However, a pending or intended appeal does not displace the conviction as it currently stands. It has not been set aside or overturned. I am entitled to rely upon it and I do so. Further, I have had the benefit of reviewing the CCTV evidence myself. I am entitled to draw conclusion based on the evidence before me, including the CCTV evidence.
29. Therefore, I am satisfied on the balance of probabilities that the facts are proved. DC Markey was convicted of assault by beating on the 19th May 2026 and ordered to pay costs. Accordingly, I find the allegation proven.

Breach of Professional Standards

30. Having found the factual allegations proved, I must go on to consider whether they amount to breaches of the relevant standards. In line with Regulation 61(16), I bear in mind that the burden of proving a Breach of Standards rests upon the Appropriate Authority and that it must satisfy me on the balance of probabilities.
31. The definition of Discreditable Conduct, per Schedule 2 of the Conduct Regulations, is as follows: "Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty."
32. I am satisfied that the Appropriate Authority has discharged that burden and the conduct did breach the standards of professional behaviour as to Discreditable Conduct. A criminal conviction for an offence of violence, committed whilst off duty, brings discredit upon the police service and undermines the relationship of trust and confidence between the police and the public. The public are entitled to expect that police officers, whether on or off duty, will not commit criminal offences and will conduct themselves lawfully.

Assessment of Seriousness

33. I go on to make a provisional assessment of seriousness by reference to Culpability and Harm, mitigating and aggravating factors. I have carefully considered the submissions by the Appropriate Authority.
34. **Culpability - high** – The assault was an intentional and deliberate act as can be seen on the CCTV. DC Markey was solely responsible for his own actions in punching the victim. He was an experienced serving police officer at the time of the offence and would have been well aware that such conduct was unlawful.
35. **Harm - high** – This was an off-duty violent offence, which resulted in a criminal conviction. Person A sustained an injury, causing him direct harm. In my view, this causes serious harm to the reputation of the police service. DC Markey's conduct undermines public confidence in policing at a time when the police and specifically the Metropolitan Police are aiming to demonstrate how seriously it is tackling higher standards over the last few years following highly publicised and

damaging incidents. The public expect police officers to uphold the law, not to break it. A conviction for assault by beating, even at the lowest sentencing level, represents a serious breach of the public's trust.

36. **Aggravating features** – I have considered that there are no additional aggravating features as I am mindful not to double count or take into consideration any factors that have already featured in my determination of culpability and harm.
37. **Mitigating features** – I have taken into account DC Markey's previous good character and the fact that he assisted the victim after the assault. I also recognise that the victim approached the police and court indicating he did not wish to be responsible for DC Markey losing his job, if convicted. I take account of these matters.
38. However, I am careful not to equate the leniency of the criminal sentence with the seriousness of the conduct for the purposes of police misconduct proceedings, which serve a different purpose — namely the maintenance of public confidence and professional standards.

Personal mitigation

39. No personal mitigation has been provided by DC Markey. In any event, I am mindful of the limits to the weight I should attach to personal mitigation as identified in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings, and that the interests of the police service, and the protection of the public, are more important than those of the individual officer.

Gross Misconduct

40. I have reminded myself that gross misconduct is a breach of the Standards of Professional Behaviour so serious to justify dismissal. Applying that definition and in line with Regulation 61(15), having undertaken an assessment of seriousness, I am satisfied that the breach of professional standards does amount to gross misconduct.

Outcome Decision

41. In making my decision on outcome I bear in mind that the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 ("The 2025 Regulations") came into effect on the 28th May 2025.
42. The 2025 Regulations amend Regulation 62 of the Police (Conduct) Regulations 2020 ("The PCR") so that, where gross misconduct is proven against a serving officer, the panel must dismiss the officer unless there are exceptional circumstances.
43. I have considered the purpose of imposing disciplinary action is engaged in this case. Firstly, to maintain public confidence in, and the reputation of, the police service. The impact on the Police Service is, for the reasons set out above in my assessment of seriousness, a key factor in this case. The public confidence is likely to be significantly undermined by an officer committing an assault on a member of the public and subsequently found guilty at court of the same.
44. Secondly, to uphold high standards in policing and deter misconduct. In order to do so, findings made by misconduct panels and by me as a Commander conducting accelerated misconduct hearings must be such as to mark the seriousness of the misconduct and show to other officers that misconduct of the type considered in this hearing will result in disciplinary action of a certain severity.
45. I have considered the officer's record of service. This case is based upon what amounts to irrefutable evidence, namely a criminal conviction and CCTV footage of the assault.
46. I have carefully assessed the seriousness of the conduct, the AA's submissions, and the personal mitigation advanced. I find the level of seriousness to be high
47. I do not find any exceptional circumstances in this case.

Outcome:

48. Having considered the matter fully and having regard to the nature and severity of the breach of the Standards of Professional Behaviour, the sanction I impose is dismissal without notice and the officer should be placed on the College of Policing's barred list.

Publication

49. I received no submissions on publication. I require the AA to publish this report pursuant to regulation 63(5).

Commander Colin Wingrove

Metropolitan Police Service

12th August 2026