

Accelerated Misconduct Hearing Finding and Outcome

Officer Name: FPC David Swan

Warrant No: P240990

Date of Hearing: 22 July 2026

Alleged Standards Breached: Discreditable Conduct, Duties and Responsibilities

Findings

I have had the benefit of the papers in advance of today and read them carefully before the hearing started, along with viewing both the digital 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.

The hearing was held in **Public**.

FPC Swan did not attend the hearing nor was he represented. However, I am advised that FPC Swan was served with the papers via his federation representative. I am satisfied FPC Swan has been properly served with the papers and Regulations 51 to 53 of the Police (Conduct) Regulations 2020 have been complied with.

The AA was represented by Case Manager, Melissa Gordedo. FPC Swan did not provide a Regulation 54 response.

Proceeding in Absence

I understand that FPC Swan was aware of today's hearing date, the papers having been served on him by his federation representative and he has chosen not to attend. I am satisfied that he has voluntarily absented himself from today's proceedings. Accordingly, under Regulation 57, I am satisfied it is reasonable to proceed in the former officer's absence.

The Hearing

I have listened to the case presented on behalf of the Appropriate Authority by Ms Gordedo.

The Allegations

Allegation 1:

Whilst serving police officer, you used your MPS-issued mobile phone to engage in sexually explicit conversations, with no policing purpose, and contrary to the MET ICT Systems policy.

Particulars:

- i. Between the 12 and 24 June 2025, you were on duty on the following dates: 12 June 2025, 16 June 2025, 17 June 2025, 18 June 2025, 19 June 2025, 23 June 2025, and 24 June 2025.
- ii. Whilst on duty, you sent text messages from your MPS issued mobile, engaging in sexually explicit conversations.
- iii. Examples of the messages you sent are:
 - a. "Hot Quick meet at 2:45? For a {Redacted}?"
 - b. "You're welcome to {Redacted} when I next see you"
 - c. "Pleasure seeing you again. {Redacted}"

Allegation 2:

Whilst a serving police officer, on 20 May 2025, you used your MPS-issued mobile phone for the purposes of arranging a sexual encounter, whilst on duty.

Particulars:

- i. CARMS shows you were on duty from 06:00hrs to 16:00hrs on 20 May 2025;
- ii. You admitted to meeting a member of the public on 20 May 2025 whilst on duty.
- iii. At 12:34 on 20 May 2025 you sent the message "Quick meet at 2:45? For a {Redacted}?" to which you received the message, "Yeah I will definitely try to. {Redacted}."
- iv. At 15:13hrs you received the message, "Think I {Redacted} quite a bit!" to which you replied, "You did".

Professional Standards of Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:

- (i) Discreditable Conduct
- (ii) Duties & Responsibilities

In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.

As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct, and your dismissal may be justified.

Facts

The main issues of fact which I have to decide is whether the Appropriate Authority has proved on the balance of probabilities the allegations against FPC Swan.

- During a routine audit of MPS mobile devices it was discovered that from the 15 May 2025, FPC Swan had been communicating with a member of the public using his MPS issued mobile phone.
- The messages were sexually explicit in nature. They suggested that FPC Swan and the individual meet up at FPC Swan's home address on a day he was booked on and working from home and engage in sexual intercourse.
- On the 20 May 2025, FPC Swan met the individual again at his address, where it is believed the pair engage in {Redacted} sex based on the messages exchanged that day.
- A check on CARMS revealed that FPC Swan was on duty from 06:00 to 16:00 on both the 15 and the 20 May 2025. Therefore, he should have been engaged in legitimate policing duties rather than engage in sexual communications and activity whilst on duty.

- FPC Swan and the individual continued to exchange messages of a sexual nature between the 12 and 24 June 2025.

If these allegations are proven, then I must decide whether it amounts to breach of the following standards of behaviour:

- **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
- **Duties and Responsibilities** – Police officers are diligent in the exercise of their duties and responsibilities. Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.

In line with Regulation 61(7), I have carefully considered submissions from the Appropriate Authority. No representations were made on behalf of FPC Swan.

Decision on Finding

I have listened to the case presented by the Appropriate Authority and carefully considered the documentary evidence provided to me.

Accordingly, I have found the facts proven as outlined above.

Breach of Professional Standards

In line with Regulation 61(16), I bear in mind that the burden of proving Breach of Standards rests upon the AA and that it must satisfy me on the balance of probabilities.

I am satisfied that the AA has discharged that burden and the conduct did breach the standards of professional behaviours as outlined.

Assessment of Seriousness

I go on to make an assessment of seriousness by reference to Culpability and Harm, mitigating and aggravating factors.

I consider the allegations individually and cumulatively. The Appropriate Authority addressed me on seriousness and contend that the conduct amounts to gross misconduct as the conduct is deliberate, intentional and caused serious harm to the public and reputation of the police.

I have carefully considered the submissions by the Appropriate Authority. I find that FPC Swan's conduct amounts to gross misconduct.

Culpability is high – FPC Swan's conduct was intentional and deliberate. He knew he used his MPS issued mobile phone without a proper policing purpose. He willfully misused company resources, by using his Met device to engage in sexually explicit conversations and organise sexual encounters with a member of the public whilst on duty.

Harm – is high. FPC Swan's conduct causes serious harm to the reputation of the police service. He abused the Met's trust when engaging in this conduct whilst allowed to work from home. His behaviour clearly contravenes his police duties and responsibilities. The public would be rightly appalled by FPC Swan's conduct. The public would expect any serving police officer to conduct themselves with professionalism, particularly when on duty, and FPC Swan failed to do so. FPC Swan's actions demonstrated a disregard for his professional duties and his colleagues.

Aggravating features – I have considered that there are additional aggravating features, namely there were multiple communications. Therefore, the conduct was persistent and took place over a period of time.

Mitigating features – I do accept that FPC Swan made early admissions as to the conduct alleged.

Gross Misconduct

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 considering Regulation 61(15), I am satisfied that the breaches of professional standards do amount to gross misconduct.

Outcome Decision

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 28 May 2025.

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. I note this case does involve a former officer, and no representations are before me on behalf of FPC Swan as to exceptional circumstances.

I have considered the officer's record of service.

This case is based upon what amounts to irrefutable evidence from the facts as outlined by the Appropriate Authority.

The only available sanction is dismissal without notice. I am satisfied had the officer still been serving he would have been dismissed without notice.

OUTCOME:

Having considered the matter fully and having regard to the nature and severity of the breach of the Standards of Professional Behaviour, had FPC Swan still been a serving police officer, he would have been **dismissed without notice** and is to be placed on the College of Policing's barred list.

Former Police Commander Katie Lilburn

Metropolitan Police Service

22 July 2026

