

Accelerated Misconduct Hearing

Metropolitan Police Service

Findings and Outcome

Officer Name: PC Alejandro Varela-Garcia

Warrant No: P267740

Date of Hearing: 2 and 3 July 2026

Alleged Standards Breached:

- o Discreditable Conduct;
- o Equality and diversity; and
- o Orders and instructions.

Introduction

I have had the opportunity to read the papers in this case in advance of today. I am satisfied that the required notices under the Police (Conduct) Regulations 2020 as amended (the "Regulations") have been served.

The hearing was held in public.

PC Alejandro Varela-Garcia attended the hearing, and he was represented by Mr Rush. Also present were Mr Conor O'Shea, Federation representative for PC Valera-Garcia and Mr Darren James, Welfare Officer for PC Varela-Garcia. Mr Silas Lee represented the AA and Ms Hannah Clark, the AA case manager was also present. Also in attendance were two Commanders observing the proceedings, Commander Beehag-Fisher and Commander Wingrove. The legally qualified adviser was Katrina Hyde.

The allegations against PC Varela-Garcia were:

You are the owner and operator of a personal social media account on Instagram with a handle of 'varalj' which had around 2000 followers. On this account you posted several photographs of yourself wearing your MPS uniform identifying yourself as a police officer.

It is alleged that you posted, liked, and shared social media content that was discriminatory in nature, including content considered to be misogynistic and transphobic.

There are specific posts which highlight this;

- i) Footage which is mocking individuals with disabilities by comparing them to fictitious creatures including an alien. This is derogatory towards people with disabilities.*
- ii) An image with an individual in a 'flasher' coat captioned 'pervert, sex offender' alongside a similar individual wearing a 'flasher' coat and mask labelled 'pride, free expression', with the caption 'explain to us why when this is done under the "progress" flag it's acceptable, but not the other way around'. This is making inappropriate associations between people's sexual orientation and sexual behaviour.*
- iii) A recording which includes sexist material, evidencing discriminatory attitudes toward women. Stating "If companies can pay women less, why don't they hire all women?" This video promotes misogynistic views.*
- iv) A recording that promotes the avoidance of individuals using pronouns, which portrays an offensive and divisive view likely to cause harm and exclusion. These views reflect prejudice against transgender people.*
- v) An image which is equating individuals (notably those associated with the LGBT+ community) with "poisonous creatures, will often develop bright colours to warn of their toxicity". These views could be perceived as hostile towards transgender people.*

These alleged actions are regarded as incompatible with the Metropolitan Police Service values and its commitment to equality, diversity, inclusion and respect for others.

Standards of Professional Behaviour

In the circumstances, the Appropriate Authority contends that PC Varela-Garcia's actions breached the Standards of Professional Behaviour as set out in Regulation 5

and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:

- ***Discreditable conduct***
- ***Equality and Diversity***
- ***Orders and Instructions***

In that PC Varela-Garcia's 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, the AA contends that the conduct individually or cumulatively amounts to gross misconduct, and PC Varela-Garcia's dismissal may be justified.

Preliminary application on behalf of the Officer

Following a previous hearing, the allegations in this case were narrowed by the AA. Today on behalf of PC Varela-Garcia, Mr Rush has made an application in relation to this. I have had the benefit of a useful note which Mr Rush filed, titled *Addendum response pursuant to Regulation 54 Police Conduct Regulations 2020.*"

It is useful to quote from that document here:

"The Allegations as now pleaded have not been certified as a Special Case and therefore the Accelerated Misconduct Provisions under Part 5 of the Police Conduct Regulations 2020 do not apply. This and the principles of Natural Justice mean that the case should be remitted and dealt with under the Part 4 process."

Mr Rush submitted that in light of the allegations having been altered, the case against PC Varela-Garcia had been "re-cast." He made submissions that prejudice had been done to the Officer, in that he would not have the opportunity to have his case heard on the Standard Procedure, and would be deprived of the opportunity to cross-examine the complainant. Mr Rush conceded that the Police Conduct Regulations 2020 were of limited assistance, being silent on the matter. He argued that it would be in accordance

with principles of natural justice for me to remit the matter using an inherent power, or to stay the proceedings generally as an abuse of process.

Mr Lee for the AA submitted that the allegations had been only refined, and it would be an absurd position if each time this happened, the case had to be sent back to be recertified. He submitted that there was nothing in the Regulations to support this. He submitted that Regulation 49 has been complied with. The AA would be sending an identical investigator's report back for certification again. There was no unfairness to PC Varela-Garcia because the evidence had not changed and the new allegations came from material already served on him.

The legally qualified adviser advised that it was right that the principles of natural justice applied. It was also right that the Regulations were silent on the topic. Therefore the issues would be to ask whether there was prejudice to the Officer, and to balance his interests with the public interest in the proceedings, the need to maintain confidence in the profession and to uphold professional standards.

I have considered the principles of natural justice and the Regulations to which I have been referred by Counsel. As Chair I must consider proportionality and balance the interests of PC Varela-Garcia with the public interest in having these proceedings dealt with.

I have concluded that this application should be refused. Firstly, these amendments to the allegations were made at the request of PC Varela-Garcia's legal team. I think they have the effect of clarifying the allegations, I cannot accept Mr Rush's submission that the entire case has been re-cast. I have taken into account that Mr Rush has not been able to point to an actual authority or judgment on these points, and he very fairly concedes that the Regulations are silent on this matter.

Furthermore, it has been submitted that the Officer's case needs to involve challenging the person who complained about the items. It is said that the person had a prior relationship with the Officer and that the complaint was motivated by animosity or

hostility towards him. I have considered this, but I fail to see how this is relevant. It was submitted on behalf of the AA that it is irrelevant, and I am persuaded by that. PC Varela-Garcia accepts that this material appeared on his Instagram account. He tells me that he did not create it, but only reposted or liked it. I think that this hearing can proceed fairly by looking at that issue. I do not think that the motives of the complainant are particularly relevant here, and they are not sufficient to merit the case being remitted on the standard procedure. I ask myself does it matter why the complainant saw the items on Instagram. I do not think so. I will confine my decision to the fact that they appeared on PC Varela-Garcia's Instagram account, and I will hear and take into account his evidence about that.

Summary and background

(Note: On behalf of PC Varela Garcia it has been submitted that it is important that he did not create any of the posts but rather he "reposted" or "liked" them. Due to the significance of this term in PC Varela-Garcia's case, I have not referred to the items as "posts," as this would result in my needing to use the following phrase: "reposted posts," which I think is potentially confusing. So for clarity and ease of reading I will refer to the posts as "items".)

Firstly, to a large degree the basic facts were not disputed by PC Varela- Garcia. There were five items in the allegations, two images and three recordings. He accepted that he had reposted four items and "liked" one of them. He had not created any of them. In relation to the reposted items, PC Varela-Garcia set out that that these had only been on his account for twenty-four hours at a time and that they then ceased to be on his account after this period. This was because he had posted them to his "stories" section on Instagram, and these items were therefore time-limited to twenty-four hours.

PC Varela-Garcia's position was that, prior to joining the Metropolitan Police Service, his Instagram account had been 'public' with around two thousand followers. On being inducted to the Metropolitan Police, he altered his account to 'private' and reduced his followers to one thousand.

In the words of his first response, made under Regulation 54:

“The Officer accepts the background to the allegation only in broad outline, but does not accept the characterisation, legal effect, or seriousness contended for by the Appropriate Authority....

At all material times, the Instagram account with the handle “varalj” was private in nature and accessible only to persons who had been individually approved. It was not an openly viewable public-facing account in the ordinary sense alleged...”

The above arguments were expanded upon by Mr Rush in his submissions, and were the subject of oral evidence given before me by the Officer.

Both Counsel agreed that the authority of *R (Chief Constable of Wiltshire Police) v Police Appeals Tribunal (Woolard)* [2012] EWHC 3288 (Admin) applied, although there was a difference in interpretation which was set out before me in submissions. I have set out this issue and my finding below.

Finally, in relation to good character, it was agreed by both Counsel for the AA and for the Officer that PC Varela-Garcia was of good character, and for that reason I was advised and took into account that evidence of good character should be carefully considered, and is relevant to both credibility and propensity.

Decision

The first issue which I have to decide is whether the AA has proven that PC Varela-Garcia's carried out the acts set out above. Secondly, I need to consider whether these amount to breaches of the Standards of Professional Behaviour. It is for the AA to prove these matters on the balance of probabilities.

Facts

I have listened to the case presented by the AA and carefully considered the evidence which included, but was not limited to oral evidence given by PC Varela-Garcia, a witness statement from the person who first drew the Instagram posts to the attention

of the AA, the report of the Investigating Officer, screenshots and PC Varela-Garcia's records of interview ("ROTIs").

I remind myself that the burden of proving the case is on the AA and the standard of proof is the civil standard i.e. balance of probabilities. Having considered all the evidence, I am satisfied the particulars of the allegations are proven to the civil standard. I found that the evidence that PC Varela-Garcia reposted and liked the alleged content was persuasive. It was not disputed by the Officer that he had done so; instead he defended his intentions in engaging with this social media "content". It was also submitted on his behalf that his actions could not be said to bring discredit on the Metropolitan Police. He also strongly challenged the degree to which the meanings contended for by the AA could be made out from the reposted items.

I am satisfied on the balance of probabilities, that the Officer reposted four of the five items alleged to his account, and liked the fifth item. I am also satisfied that his was an account with one thousand followers. It was also not in dispute that the Officer posted photographs of himself wearing his Metropolitan Police uniform.

Breach of Standards of Professional Behaviour

I move on to consider whether the facts proved amount to a breach of the standards alleged. Overall, I am satisfied that the AA has discharged the burden of proof and that the actions of PC Varela-Garcia did breach the Standards of Professional Behaviour as set out above. My reasons for this are as follows.

First of all, I have had regard to PC Varela-Garcia's evidence about the steps he took on being inducted into the Metropolitan Police Service. He said that he made the decision to change his account from "public" to "private" and reduced his followers from two thousand to one thousand. In my view, this strongly indicates that PC Varela-Garcia was aware of the need to act in line with the professional standards of the Metropolitan Police Service and in line with its commitment to equality, diversity, inclusion and respect for others. It also demonstrates that he was capable of considering his actions and

behaviour in line with these standards and of managing his Instagram account in accordance with his duties as a police officer.

Equality and Diversity

In relation to the standard of *"Equality and Diversity,"* I am satisfied that PC Varela-Garcia did breach the standard. I am not of the view that he acted with *fairness and impartiality,* and I will explain my reasons below.

Item (i)

I have considered the image labelled (i) which concerns persons with disabilities. It is clear that this is derogatory towards disabled people; it puts forward that they have similarities to aliens. In relation to item (i) the evidence of the Officer was less than satisfactory. He said he had paid very little attention to it and found it amusing. He said he found the sound funny. I found it implausible that PC Varela-Garcia could have mistaken or missed the pejorative and negative meaning of this recording/video.

Item (ii)

Item (ii) was a cartoon drawing. It concerned the issue of gender identity, or persons who identify as trans and/or gender non-conforming. PC Varela-Garcia's evidence was that he had liked, not reposted this item. However, it was also clear from the Officer's evidence, that he has an opinion in relation to this group. He said in evidence in relation to this item:

"It's how sexualised gay people have become, it affects my privacy.... As a kid, it was about fighting for rights, but now it is about identities..."

I have carefully considered this image, and having done so I have concluded that it draws a clear comparison between gender non-conforming individuals and what is referred to in everyday language as a "flasher," namely a person committing a sexual offence. The meaning to my mind is clear; it conveys a statement that trans and/or gender non-conforming persons behave in ways which are like a sexual offender. I think it is clear that this is negative, pejorative commentary towards this group and I am satisfied that it is discriminatory.

Item (iii)

In relation to item (iii), I am satisfied that this video clearly has the meaning put forward by the AA. It ridicules the idea of equality between men and women, by placing a question about the gender pay gap alongside a shot of a woman attempting to repair a cupboard and failing. I am satisfied that the clear meaning of this item is discriminatory.

The Officer's evidence in relation to item (iii) was also unpersuasive. He maintained that he believed men and women were equal and that he knew women who were "smarter" than him. He gave evidence that he would never degrade women. This is at odds with the obvious and clear meaning of item (iii) and I did not find it credible.

Item (iv)

In relation to item (iv), PC Varela Garcia stated that the reason he reposted this was because he found it difficult to use the correct pronouns. He said that he had prior experience on dating sites where he made mistakes regarding the pronouns of others, he did not wish to cause offence and therefore it was better for him if he avoided people who wanted to use different pronouns. He said that he tended to avoid any kind of conflict. I can understand how someone might accidentally use the wrong pronouns. However, when I assess this evidence in the context of the other items, and the Officer's evidence in relation to them, I find this evidence to be fundamentally unconvincing. PC Varela-Garcia clearly has views on the trans and/or gender non-conforming communities, or a specific part of them. He explained these views in relation to item (ii). Therefore I think it is most likely that he had these views in mind when he reposted item (iv). Furthermore I think that the clear meaning of this item is that persons who use different pronouns should be avoided or shunned, and so it is clearly discriminatory.

Item (v)

In relation to item (v) it was submitted by the AA that this was an image which equated individuals (notably those associated with the LGBTQ+ community), with "poisonous creatures, will often develop bright colours to warn of their toxicity". The Officer told me

in evidence that he had dyed his own hair in the past, so it followed that he would never criticise any such group. I find it unlikely in the extreme that the Officer genuinely thought that this item referred to people with dyed hair, as opposed to persons from the LGBTQ+ community. It also clearly contains the word '*poisonous*,' which has obvious negative connotations. I think that the clear meaning of this item is discriminatory.

Reference was made to the standard of "*Honesty and Integrity*" and I gave a decision in relation to this standard. Mr Rush immediately brought it to my attention that this standard did not form part of the AA's case and the legal qualified adviser stated that this had been introduced through her drafting error, drafting late into the night before. I heard submissions on the matter and legal advice was given. I was advised to carefully separate this from the previous considerations and not to allow it to influence my thinking in relation to the correct standard. I was also advised that given the particular circumstances, the primary consideration must be fairness to PC Varela-Garcia. The legally qualified adviser also apologised to those present and apologised directly to PC Varela-Garcia for the error.

Discreditable Conduct

In relation to the standard of "*Honesty and Integrity*," I understand that this did not form part of the AA's case. I have looked at this matter with care, and I am content that I can put it from my mind. I am satisfied that I can reconsider the evidence in the case, referring to the correct standard of "*Discreditable Conduct*." Therefore I have reviewed my findings of fact. I have considered, once again, the balance of probabilities. I am content that the previous consideration of a different standard has not influenced my decision-making here. I understand that in taking these steps, I must put fairness to the Officer at the front of my mind.

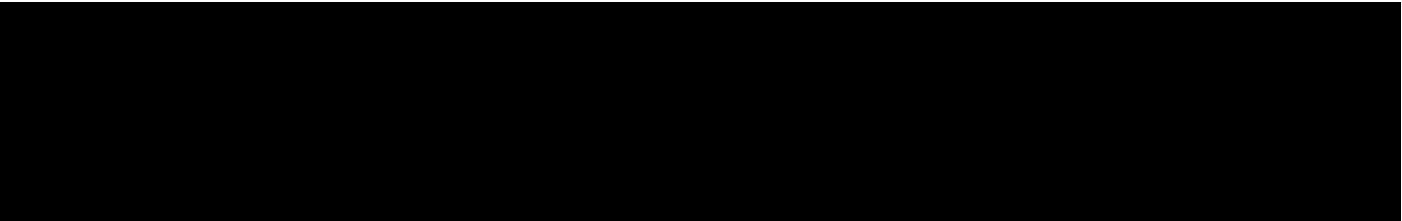
I am of the view that the actions of PC Varela-Garcia, if known to the public, would have brought the Metropolitan Police Service into disrepute and undermined public confidence in it. The Officer is of course, entitled to his opinions, but there is a difference between holding a particular view and publishing that view on social media. He showed his support for these items by reposting and liking them. This falls short of

the standard expected of a police officer. Overall I am satisfied, on the balance of probabilities, that the Officer's conduct breached the standard of "Discreditable Conduct."

[REDACTED]

[REDACTED]

[REDACTED]



Next, it was also submitted on behalf of PC Varela-Garcia that there was a weakness in the AA's case, in that the material was not being presented as it would have been seen by the public. It was argued by Mr Rush that there is a problem, in that I am unable to know the precise circumstances in which any of these posts could have been viewed by an end user. He also made submissions about this in relation to the witness statement of the complainant, in that I could not know how the items were viewed by that person.

By way of example, Mr Rush referred to the video recording in which a man (item iii) appears to interrupt a protest by women about the pay gap. As I have already mentioned, this cuts to a shot of a woman doing DIY and failing. It was conceded by Mr Rush that probably the videos were connected but that importantly, this could not be known for certain. He argued that it could not be positively asserted, because the manner in which the material was presented was unknown. In addition, he submitted that the timing of all the items was unknown.

In looking at this issue, I could consider the general use of Instagram nowadays - how social media works and appears to the user is arguably a matter of common knowledge. I also could consider whether it would make any material difference to my assessment of the five items if I heard evidence about the exact detail of how each repost/like appeared on a mobile phone screen. I could also consider that a group of one thousand people is so large that, it could be argued, it must logically include members of what is termed "the public" and that therefore the Officer's relationship with these people is irrelevant.

However, I am satisfied that I do not need to reach findings on these points because the answer lies in the case of *Wiltshire*, which I have mentioned above.

That case has some differences when compared to this one, most notably that it involved private text messages. But in that case, the Court stated:

“With respect to the Defendant, I consider Mr Beggs QC is correct when he submits that it was reasonable for the Panel to focus upon the nature of the words used rather than whether or not the words actually reached the public domain. The plain fact is that if many of the Interested Party’s texts or e-mail messages had reached the public domain there would likely have been very significant adverse comment about his conduct.”

I find this guidance useful and I cannot agree with the interpretation of it which has been put forward by Mr Rush. The issue is not the precise appearance, delivery or timing of these items to the one thousand followers. The issue is whether the items would have caused significant adverse comment in reaching the public domain. For the reasons set out above I have already answered that in the affirmative.

Overall, I am persuaded that the Officer’s actions have breached the professional standards of Discreditable Conduct and Equality & Diversity. I now go on to assess the appropriate outcome. I have considered, for the reasons set out below that these breaches are so serious that I do not find it necessary to also consider whether there has been a breach of the third alleged standard, Orders and Instructions.

Seriousness

It was agreed by both Counsel for PC Varela-Garcia and Counsel for the AA that this was a case to which the presumption of dismissal in the 2020 Regulations, as amended, applied. The presumption of dismissal was introduced on 28 May 2025 when the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 came into force.

In making my decision on outcome I adopt the three-stage process, as outlined in the College of Policing’s Guidance on Outcomes in Police Misconduct Proceedings (the “College of Policing Guidance”) to determine the appropriate sanction. The first stage is to assess the seriousness of the conduct. This is assessed by reference to:

- i. The officer’s culpability
- ii. The harm caused by the misconduct
- iii. The existence of aggravating factors

iv. The existence of mitigating factors

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.

Furthermore, 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 that purpose given the seriousness of the conduct in question.

I start with the first stage, by assessing the seriousness of the conduct, by considering culpability, harm, aggravating factors and mitigating factors.

Culpability

In his evidence, the Officer stated that he paid very little attention to his Instagram reposts and likes, he described engaging with the platform when he was about to go to sleep or take a nap. It has been suggested, in relation to some of the items, that when engaging with these, by that I mean liking or reposting, he gave them almost no thought or understanding as to what message they communicated. I am not persuaded that it is likely that PC Varela -Garcia liked or reposted these items with so little thought or understanding. I am persuaded that his actions were intentional and carried out over a period of time, with repetition. This is not a case of a one-off social media post. There is a pattern of behaviour by the Officer. He made decisions repeatedly to repost and like the content. I find on the balance of probabilities that it is most likely that he knew what he was doing. So, looking at the matter in the round, I assess the culpability of his actions as high.

Harm

In this case, it is argued that the general public were not aware. PC Varela-Garcia in his evidence stated that his thousand followers would be made up of people he knew well, or even extended family. It was submitted on his behalf that this would not be unusual in the country where he was born, and therefore a sharp distinction should be drawn between this account and a properly “public” one. Mr Rush submitted that the followers were a “specific, invited group of individuals.”

I found this argument more notable for its bravery than persuasiveness. Regardless of a person’s country of origin, I do not find it plausible that someone could be sufficiently well acquainted with one thousand people to know each one of them well enough to assess them as an invitee.

However, even if I accepted that PC Varela Garcia followers were a “specific, invited group of individuals,” I am not of the view that this reduces the harm of his actions. That group was a large one, and by reposting and liking the items, he published them to the group along with photographs of himself in uniform.

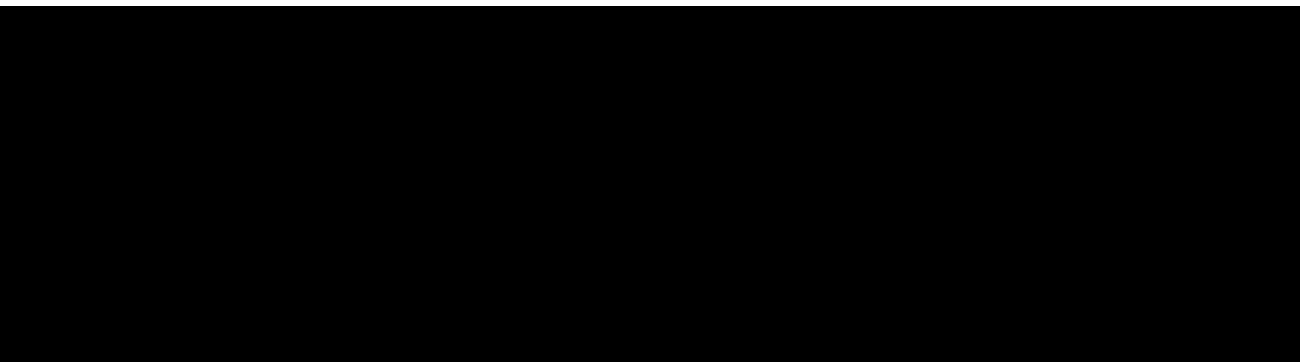
As I stated above, I have been referred to the case of *Wiltshire*. I consider that applying this logic to the facts of this case, even if PC Varela- Garcia’s communications had taken the form of private messages to just one other person – which it is conceded, they did not – what matters is the likelihood of adverse comment if they reached the public domain. I bear in mind the potential risk to the trust in confidence that the public has in the Metropolitan Police. Public confidence in the police services is determined by officers demonstrating the highest level of professional and personal standards of behaviour. Even if the public in this case was not aware, I am satisfied that if they had been aware, it would have undermined confidence in policing. I am also of the view that the people in these groups which were the subject of the posts, if they were aware of these reposted or liked items, there is a risk that they would not be confident of being treated fairly by the Officer in the course of carrying out his policing duties. Therefore I assess the harm as high.

Aggravating Factors

I have taken into account here that certain groups of persons were the subject of the items; namely persons with protected characteristics, firstly, persons with disabilities and, secondly trans and gender non-conforming persons and thirdly, women. Public confidence in the Metropolitan Police among these groups is at its lowest, when compared to other members of the public. I am of the view that this is an aggravating factor. I am mindful not to double count or take to consideration any factors that have already featured in my determination of culpability and harm.

Mitigating Factors

I have taken into account that PC Varela-Garcia admitted what he had done and was remorseful in interview. Moreover in evidence before me he repeated that he was sorry for what he had done and he would not repeat his actions.



Gross Misconduct

Taking all these matters into consideration, I assess the seriousness of the conduct as high. I remind myself that Gross Misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal. For all the above reasons I find that overall, the conduct is so serious as to be Gross Misconduct.

Next, I move on to the second stage. I keep in mind, as stated above, the purpose of the police misconduct regime, and 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.

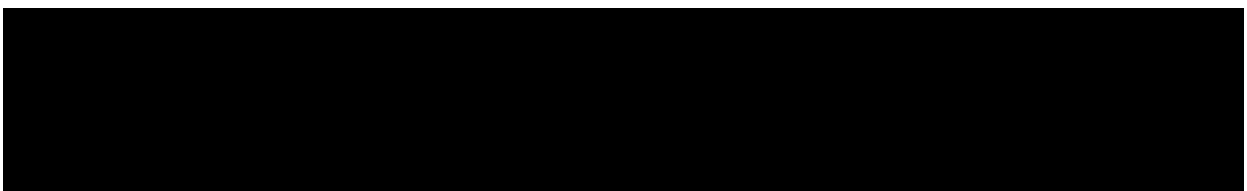
Outcome

I now move on to the third stage, assessing the appropriate outcome. I have considered PC Varela-Garcia's record of service. I have considered the matter carefully, looking at the evidence overall, and considered again the nature and severity of the breaches of the Standards of Professional Behaviour. It was submitted on behalf of the Officer that the conduct was not sufficiently serious as to justify dismissal.

I acknowledge that the outcome imposed can have a punitive effect: accordingly, the outcome should be no more than necessary to satisfy the purpose of the proceedings. Therefore, in deciding the appropriate outcome I shall consider less severe outcomes before considering more severe options. I will make my decision in accordance with the principle of proportionality.

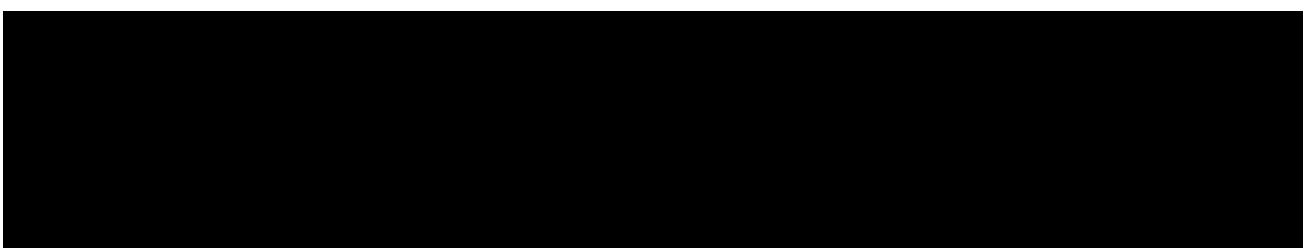
Personal Mitigation

I am mindful of the limits on the weight I should attach to personal mitigation as identified in the College of Policing's Guidance, and that the interests of the police service, and the protection of the public, are more important than those of the individual officer. I have carefully considered the character reference submitted by PC Varela-Garcia.



Exceptional circumstances

In summary, on behalf of PC Varela-Garcia, it has been argued that there are exceptional circumstances in this case and that the presumption in favour of dismissal should not apply.



[REDACTED] Rush also submitted that the PC Varela-Garcia speaks excellent English, but that some of the nuance might have been lost. In addition, it was submitted eloquently that the Officer's remorse and insight was sincere.

I have had regard to the fact that the Officer himself is a person with protected characteristics. In addition, I have considered the character reference he provided. I give full credit to the Officer for co-operating with the investigation.

However, in relation to all of these factors I have asked myself whether any are significant enough for me to call them "exceptional." I've considered this issue in light of the factors being taken individually or taken all together. However I have reached the conclusion that they are not "exceptional." Therefore, absent a finding of exceptional circumstances, the only option open to me is dismissal without notice.

Sanction

My decision is that the gravity of PC Varela-Garcia's behaviour means that I do not consider that any sanction less than dismissal without notice is justified. Therefore the sanction is dismissed without notice and to be placed on the College of Policing's public barred list.

Commander Andy Brittain
Metropolitan Police Service
14 July 2026