

IN THE MATTER OF A MISCONDUCT HEARING UNDER THE POLICE (CONDUCT) REGULATIONS 2020 AS
AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

BETWEEN:

THE COMMISSIONER OF POLICE OF THE METROPOLIS

(THE APPROPRIATE AUTHORITY)

AND

“Former PC D”

FINAL DECISION

Chair: Richard Gittings

Independent Panel Members: Vince Canning

Adam Williamson

Legally Qualified Advisor: Kenneth Hamer

Counsel for Appropriate Authority: Alan Jenkins

Police Federation representative

for Former PC D: Connor O’Shea

Dates of hearing: 23 – 24 June 2026

Venue: Empress State Building,
Lillie Road,
London, SW6 1TR

The Regulation 30 Notice and the Decision of the Panel

1. You joined the Metropolitan Police Service as a community support officer in June 2020 and you became a Police Constable with the force in March 2022.
2. You had started a relationship with Ms A in roughly 2007, subsequently getting married to her in 2011, but later getting divorced in 2020.¹ You and Ms A had two children during the relationship.
3. Following your split from Ms A you sent many messages to her and particularly during 2022.
4. Ms A made it clear to you that she did not welcome your messages about personal matters, although she accepted that there needed to be communication between you as to arrangements for the care of the children.
5. In early 2023 you and Ms A sought mediation from Divorce Solutions, an organisation specialising in mediation between former partners.
6. In March 2023, as part of the mediation, you agreed only to contact Ms A with regard to arrangements for the children. You further agreed that you would only communicate with her by email to her email address for that purpose.
7. In breach of that agreement, you contacted Ms A, and/or caused her distress, on numerous occasions:
 - a. 29th April 2023, by email, requesting her to call you;
 - b. Around 13th May 2023, with a picture of flowers;
 - c. On 14th, 15th and 21st June 2023 by two emails and a text sent to the son's phone;
 - d. On 21st July 2023 by email;
 - e. On 4th, 5th, 8th and 17th August 2023 by email;

¹ Dates amended by Panel

- f. On 8th December 2023 you called at her home address, and on 22nd December 2023 you made a phone call and left a voice note for her;
 - g. On 23rd February 2024 you sent an email to Ms A from a new address which she would not have previously seen or managed to block;
 - h. On 10th March 2024 you sent an email to her and left a message on the phone of one of the children to say that you still loved her, which message you intended for Ms A to hear;
 - i. On 19th May 2024 at your request your partner sent an email demanding DNA tests for your children to check whether you were their father;
 - j. On 5th June 2024 you left a message on your son's phone, which message you intended for Ms A to hear;
 - k. On 15th June 2024 at your request your partner sent an email.
 - l. On 8th December 2024 you
 - i. attended the school of one of the children, when you had no proper basis or reason to do so;
 - ii. attended Ms A's address and knocked on the door and windows. You had attended the address on previous occasions and entered the premises, and when you have no permission or proper basis to do so.
8. Ms A made clear to you, on a number of occasions, that she did not want to receive messaging from you, other than that which related to arrangements for the children. Those occasions included
- a. Her email to you of 30th April 2023, in reply to your email of 29th April 2023;
 - b. Her email of 23rd May 2023, to say that there should be no contact between you except through a third party;
 - c. Her email to you of 22nd June 2023 to say that your messages caused her

distress;

- d. Her email of 24th December 2023 to say that the arrangements with regards to the children were not being fulfilled;
- e. Her email to you of 4th February 2024 to say that you should leave her alone;

9. Your actions, as set out above, breached the Standard of Professional Behaviour of 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.

- a. By contacting Ms A repeatedly such as to cause her distress, and attending her address and the school of one of the children;
- b. When you knew that she did not wish to receive communications or messages from you, save in relation to arrangements for the children;
- c. From March 2023, in breach of the agreement reached in mediation.

And take notice that the matters set out above are individually and collectively so serious that they amount to gross misconduct and justify dismissal.

Decision of Panel: Paragraphs 1, 2, 3, 4, 5, 6, 7(b), 7(c), 7(e), 7(g), 7(h), 7(i), 7(k), 7(L)(ii) and 8 in its entirety found proved.

Paragraphs 7(a), 7(d), 7(f), 7(j) and 7(L)(i) found not proved.

Breach of Standard of Professional Behaviour of Discreditable Conduct and Gross Misconduct found proved.

Outcome: Former PC D would have been dismissed if still serving. Former PC D is added to the police barred list. For the purposes of publication of the Regulation 43 report, the cypher 'Former PC D' will continue to be used so as to reinforce the anonymity of the children in this case.

Preliminary Matters

- 1. At a misconduct pre-hearing, the Chair directed that Ms A should attend the misconduct hearing in person and give live evidence behind screens with someone from the Victim Support Unit with her in the hearing room.

2. The Chair further directed that the misconduct hearing should take place in public with Ms A, her children and the former PC to be referred to by ciphers as Ms A, Child B, Child C and Former PC D, to be reviewed on the outcome of the hearing.

Background

3. Former PC D first joined the MPS as a Police Community Support Officer on 15 June 2020. He served on SE-BCU on the Neighbourhoods Policing Team before resigning on 13 March 2022, and rejoining as a police constable on 14 March 2022. He maintained his service on SE-BCU. On 9 May 2025, Former PC D was dismissed from the MPS, under Regulation 13.
4. The complainant in this matter, Ms A, is the estranged wife of Former PC D. They married in around 2011 but were in a relationship with each other since at least 2007. They developed marital issues in 2020 and divorced in July of that year. Together they have two children Child B and Child C.
5. It is alleged that Former PC D breached conditions agreed between the parties in March 2023 as part of a mediation, which were only to contact Ms A by email with regard to arrangements for the children, and/or that Former PC D caused her distress between April 2023 and December 2024 via text messages, emails, attending the child C's school and Ms A's home address, and telephone calls.
6. In his Regulation 31 Response, Former PC D denies breaching the Standards of Professional Behaviour by Discreditable Conduct.
7. Former PC D accepts contacting Ms A on the occasions identified but asserts that the conduct was justified by the context of (a) their shared need to sort out arrangements for their children, and (b) other cordial exchanges that took place. He never had any intention to cause her any upset or distress, had no malice in his communications with Ms A and he apologises for any upset he has caused.

Evidence

8. The Panel was provided with a Misconduct Hearing Bundle of 133 pages. The Bundle includes (but is not limited to) the following documentary evidence:
 - The Investigation Officer's Report;
 - The Regulation 30 Notice;
 - Metropolitan Police Complaint dated 24 December 2024 from Ms A;

- Witness statements of Ms A dated 8 December 2024, and 16 April 2024;
 - Emails, text messages and screen shots of messages 2023 – 2024 between Former PC D and Ms A;
 - Witness statement of PC Harrison Epps dated 5 September 2025;
 - Crime Report (Harassment etc) dated 16 April 2024;
 - Regulation 17 Notice (Harassment) dated 27 June 2024;
 - Translation document from Spanish to English;
 - Witness statement dated 6 January 2025;
 - Regulation 17 Notice (Harassment) dated 9 January 2025;
 - Witness statement of PC Hanna Pearcey dated 9 December 2024;
 - MG 14 Statement (Harassment) dated 4 February 2025;
 - Statement of Former PC D (undated);
 - Divorce Solutions mediation session summaries dated 7 March 2023, and 31 May 2023;
 - Email from Former PC D to Professional Standards dated 10 February 2025.
9. In addition, the Panel was provided with Body Worn Videos with Ms A, a PACE interview with Former PC D, a video made by Former PC D showing himself, and Former PC D's Regulation 31 Response. The Panel was also provided with an opening note on behalf of the AA.

The Panel's approach to the evidence

10. The Legal Advisor gave legal advice on the facts covering four broad areas, namely the burden and standard of proof, the need for separate treatment of each of the paragraphs in the Regulation 30 Notice, the wording of the Regulation 30 Notice and the Panel's approach to the evidence.
11. The Panel accepted the advice of the Legal Advisor and that the burden of proof lies on the Appropriate Authority throughout. The Appropriate Authority must prove the allegations on the balance of probabilities. Former PC D has given evidence and the Panel should judge his evidence by the same fair standard as that of Ms A.
12. Throughout its consideration of the case, the Panel also took into consideration the good character direction/advice in relation to Former PC D given by the Legal Advisor.

13. The Legal Advisor advised that paragraph 7 of the Regulation 30 Notice alleges a breach of the mediation agreement of March 2023 and/or that Former PC D caused Ms A distress. It is not necessary for the Panel to find that there was a legally enforceable contract between Former PC D and Ms A, like a commercial agreement. Paragraph 7 is based on the loose arrangement agreed by the two of them over arrangements for contact with the children, as evidenced by the mediation session summary prepared by Divorce Solutions. As Ms A agreed in her oral evidence, the mediation agreement was “just an informal agreement, not a legally binding contract”. However, it was clear that she expected Former PC D to stick to the terms of the mediation agreement.
14. The Regulation 30 Notice alleges that in breach of the mediation agreement, Former PC D contacted Ms A and/or caused her distress. The word “distress” is an ordinary English word and means to suffer or cause anguish or pain or worry.
15. As to the Panel’s approach to the evidence, the Legal Advisor advised that
- Whilst the Panel had heard evidence of alleged incidents beyond those in the Regulation 30 Notice, they are by way of background and context only and the Panel should not let itself be influenced against or for Former PC D in relation to matters other than in the Regulation 30 Notice, covering the period March 2023 to December 2024.
 - There is no allegation of “harassment” and no criminal proceedings were ever brought against Former PC D for harassment.
 - In considering the evidence of Ms A and Former PC D, the Panel should bear in mind it was a stressful time for both of them, and that coupled with the passage of time, the Panel should make allowances for their memories when considering their evidence.
 - The courts have repeatedly said that panels should consider such contemporaneous documents as exist, and whether such documents reflect the true circumstances, before making an assessment on the credibility and reliability of the witnesses. It would be wrong to jump to say “we believe X” before considering the context and the documentary evidence.
16. After reviewing the evidence presented, listening to the submissions made on behalf of the Appropriate Authority and Former PC D, and the advice of the Legal Advisor, the Panel has approached its fact-finding role in 3 stages:

- To ascertain the facts;
- To determine on the basis of those facts whether Former PC D breached the Standards of Professional Behaviour (SoPB) alleged in the Regulation 30 Notice Allegations; and
- Whether any breaches amounted to misconduct, gross misconduct or neither.

Findings of fact

17. The Panel began its deliberations by considering separately each of the matters alleged in paragraph 7 of the Regulation 30 Notice.
18. When interviewed at Croydon Police Station on 27 June 2024 with his solicitor, Former PC D admitted to sending all the emails and the messages in this case, stating that they were sent out of desperation/frustration at not being allowed any contact or visitation to his children.
19. The Panel carefully considered Former PC D's evidence that there were oral discussions between him and Ms A at the time the emails and messages were sent and that they may not reflect the whole picture. The Panel recognises that it is reasonable to infer that there were telephone communications in addition to the emails and messages in the hearing bundle but significantly none of the emails or messages referred to in paragraph 7 of the Regulation 30 Notice refer to any telephone communications or suggest, as stated by Former PC D in his evidence, the emails and messages were sent at the request of Ms A, or that Ms A may not have been caused distress by them. In each of her emails to Former PC D sent on 22 June 2023, 24 December 2023 and 4 February 2024 (paragraph 8 of the Regulation 30 Notice) Ms A said she was distressed by Former PC D's communications other than for arrangements for the children and, in her oral evidence, Ms A confirmed that she was caused distress by emails and messages in relation to matters other than arrangements with the children.
20. The Panel found it improbable that Ms A would ask Former PC D to send her emails on other matters. By 2023 they had been divorced for nearly 3 years, and her statement at the time of the second mediation that she was "cross" is inconsistent with her wanting communication with Former PC D other than in relation to the children. Ms A had begun to carve out a new life for herself as a teacher and wanted to move on, with a request in her email to him of 4 February 2024 to "leave me alone". Unfortunately, Former PC D did not seem able or willing to accept this.

21. Former PC D's emails and messages included a number of topics apart from arrangements for the children. They ranged from his continual expressions of love towards Ms A despite their divorce and he having a new partner; that Ms A "help destroyed the family I thought I had"; that "coming back is sensible" although "I can not try to come back to you for life"; references to "delusions" and "shame the devil once in your life so you can see clearly"; and (via a third party) to "demanding a DNA test" from Ms A for the two children.

22. In relation to each sub-paragraph of paragraph 7:

- 7(a). The Panel was not satisfied that this email, requesting Ms A to call, was a breach of the mediation agreement or would have caused Ms A distress.
- 7(b). The Panel was satisfied that, on the balance of probabilities, the email was sent by Former PC D and not on behalf of Child B. Sending a picture of flowers was not in keeping with the mediation agreement. It was likely to cause distress to Ms A in circumstances when she had made it clear she did not want communications other than about arrangements for the children or in an emergency. At the second mediation meeting held on 30 May 2023, she said she was "cross" that Former PC D had continued to contact her about things not connected with child contact.
- 7(c). Each of these messages was in relation to matters other than arrangements for the children and was likely to have caused Ms A distress.
- 7(d). The Panel was not supplied with a copy of any email dated 21 July 2023, and considered that this paragraph was not proved.
- 7(e). Each of these messages were in relation to matters other than arrangements for the children and were likely to have caused Ms A distress.
- 7(f). It is not disputed that Former PC D called at Ms A's home address on 8 December 2023. It had previously been agreed that he would help to renew Child B's Spanish passport and he may have entered the property to recover paperwork for this purpose. It was unclear whether B's key was used or not used to let him in. In any event, the Panel was not satisfied that this caused Ms A distress or was a breach of the mediation agreement in circumstances where it was agreed that Former PC D would help with renewing Child B's Spanish passport. Whilst there is reference in Ms A's email of 24 December 2023 to a voice note left by Former PC D on 22 December 2023, without seeing it or fully knowing its contents the Panel was not satisfied this allegation was proved to the requisite standard of proof.

- 7(g). This email was not in relation to arrangements for the children and is likely to have caused Ms A distress.
- 7(h). This text message was not in relation to arrangements for the children and is likely to have caused Ms A distress.
- 7(i). This email although headed “Re: Need to see Kids/Halfterm” was not about arrangements for the children and is likely to have caused Ms A distress.
- 7(j). This allegation relates to an alleged message of 5 June 2024. The Panel found evidence of messages of 10 and 15 June 2024, but not of 5 June 2024. The Panel was not satisfied that the AA had proved paragraph 7(j).
- 7(k). Whilst the subject line of this email is headed “Kid’s Contact”, the contents of the email refer to other matters and were likely to have caused Ms A distress.
- 7(L)(i). According to Ms A’s witness statement, Former PC D attended Child C’s school on 8 November 2024 (not 8 December 2024 as alleged), “even though he knows he cannot do that”. He went to the school to see Child C, not having had contact since about March 2024. There was no restriction on Former PC D going to the school, and there is no evidence to support Ms A’s assertion that Former PC D was visiting the school to try and communicate with her. The mediation agreement did not cover visiting the children’s school and in all the circumstances whilst his visit may have been upsetting for Ms A, the panel was not satisfied that the AA had proved to the requisite standard of proof that the visit caused her distress.
- 7(L)(i). This allegation is supported by the body worn video with Ms A and the witness statement of PC Hanna Pearcey.

23. In summary, in relation to paragraph 7 of the Regulation 30 Notice, the Panel found proved paragraphs 7(b), 7(c), 7(e), 7(g), 7(h), 7(i), 7(k) and 7(L)(ii) and that each caused Ms A distress and amounted to a breach of the mediation agreement dated 7 March 2023. The Panel found not proved paragraphs 7(a), 7(d), 7(f), (7j) and 7(L)(i).

24. The Panel was satisfied that by reason of Ms A’s emails in paragraph 8 of the Regulation 30 Notice, which the Panel was satisfied were a true reflection of the situation, Former PC D knew that Ms A did not wish to receive communications or messages from him, save in relation to arrangements for the children. Former PC D communicated with Ms A in relation to matters under paragraphs 7(b), 7(c), 7(e), 7(g), 7(h), 7(i) and 7(K), thereby causing her distress.

Breaches of Professional Standards

25. The Panel went on to consider whether, by reason of the facts found proved, Former PC D acted in breach of the Standards of Professional Behaviour (“SoPB”) outlined in Schedule 2 of the Conduct Regulations.
26. The SoPB in relation to Discreditable Conduct states:
- “Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.”
27. The Panel recognised that divorce and contact arrangements with children can give rise to, and often are, stressful circumstances. Nevertheless, the Panel was satisfied that Former PC D’s conduct amounts to discreditable conduct within the SoPB. Causing distress to Ms A in the way found proved by the Panel is not how a police officer should behave and such behaviour undermines public confidence in the police service. His actions were also largely in breach of the terms of the mediation agreement.

Finding of Misconduct or Gross Misconduct

28. Having found the factual allegations proved and a breach of the SoPB of discreditable conduct, the Panel went on to consider whether Former PC D’s conduct amounts to misconduct, gross misconduct or neither. Misconduct is defined in Regulation 2(1) of the Conduct Regulations as a breach of the SoPB that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the SoPB that is so serious as to justify dismissal.
29. The Panel had regard to Regulation 41(16) of the Conduct Regulations, which instructs panels that they must not find the conduct of the officer concerned amounts to misconduct or gross misconduct unless: (a) they are satisfied on the balance of probabilities that this is the case, or (b) the Officer admits it is the case.
30. In the present case, there is no admission of misconduct or gross misconduct by Former PC D. In reaching its finding, the Panel has carefully considered all the evidence presented to it and the submissions made by Mr Jenkins and Mr O’Shea.

31. The Panel first considered the culpability of Former PC D. It considered that the following paragraphs of the *College of Policing: Guidance on outcomes in police misconduct proceedings* (“the Guidance”) were engaged:

4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer’s actions will be relevant to the harm caused.

4.11 Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm.

32. The Panel found that the conduct found proved was intentional, deliberate and targeted in that Former PC D wrote or sent emails and text messages to Ms A over an extended period of time and could reasonably have foreseen that they would cause her distress.

33. On the effect of the officer’s conduct on the police service and/or public confidence, under the heading of Harm, the Guidance states:

4.66. Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

34. The Panel considered that the aggravating factors in the present case, indicating a higher level of culpability or harm, are the presence of regular, repeated and sustained behaviour over a period of time, and continuing the behaviour after he realised, or should have realised, that it was improper. Former PC D repeatedly communicated with Ms A on matters other than arrangements for the children, contrary to her express wish and the terms of the mediation agreement, thereby causing her continual distress, as she made clear in her replies to him.

35. The Panel recognised that Former PC D has on more than one occasion apologised for any upset caused to Ms A, and that he had no malice in his communications with her. However,

the Panel found that Former PC D does not have genuine remorse, does not have insight and does not accept responsibility for his actions.

36. Accordingly, the Panel determined that Former PC D's conduct amounts to gross misconduct.

Outcome

37. In determining the appropriate outcome to impose, the Panel considered the purpose of the police misconduct regime. Paragraph 2.3 of the Guidance states that the purpose is threefold:

- (1) to maintain public confidence in, and the reputation of, the police service;
- (2) to uphold high standards in policing and to deter misconduct;
- (3) to protect the public.

38. In the case of former officers, the Guidance states:

3.31. A panel that finds that the conduct amounts to misconduct only will record the finding but can take no further action. Where the panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action or no disciplinary action. Where the finding is gross misconduct and disciplinary action is imposed, this can only be that the former officer would have been dismissed if still serving. No other sanctions can be enforced. 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.

3.33. Before a panel decides to impose the disciplinary action that the former officer would have been dismissed if still serving, it must follow the same process that applies to serving officers in arriving at what the appropriate sanction would have been.

Disciplinary action or no disciplinary action?

39. Having found that Former PC D's conduct amounted to gross misconduct, the Panel went on to consider whether to impose disciplinary action or take no disciplinary action.

40. In considering what the appropriate sanction would have been if Former PC D were still a serving officer, the Panel first assessed the seriousness of the misconduct by reference to:

- Former PC D's culpability for the misconduct
- the harm caused by the misconduct
- the existence of any aggravating factors
- the existence of any mitigating factors.

41. Culpability is defined as the blameworthiness or responsibility of the officer for their actions.

The panel determined that Former PC D was highly culpable for his behaviour. His actions were not planned but were deliberate and intentional, and continued over an extensive period of time.

42. Harm can be caused in several ways and the Guidance emphasises how the public might perceive such behaviour if it were to become known. This is a case where Ms A suffered distress.

43. The Panel considered the following to be aggravating factors in this case:

- There was regular, repeated or sustained behaviour over a period of time.
- The behaviour continued after Former PC D realised, or ought to have realised, that it was improper.

44. In respect of mitigating factors, the Panel was cognisant of the Guidance at paragraph 4.79 in respect of mitigating factors and was careful not to conflate mitigation that goes to conduct and personal mitigation.

45. The Panel could not find any realistic mitigating factors for Former PC D's conduct. None of the factors listed in paragraph 4.81 of the Guidance applies. In respect of personal mitigation, the Panel bore in mind that for whatever reason Former PC D did not have contact with his children during much of the period covered by the Regulation 30 Notice, and that this was undoubtedly stressful for him. Moreover, his actions were not malicious and he has apologised for any upset and distress caused to Ms A. However, in accordance with the Guidance the Panel gave this little weight in all the circumstances of this case.

46. The Panel considered that public confidence in the police service, and the need to uphold high standards of conduct, would be undermined if it took no disciplinary action. It considered that the only appropriate and proportionate course would be to impose disciplinary action. It follows, in accordance with paragraph 3.31 of the Guidance that Former PC D would have been dismissed if still serving.

Publicity and anonymity

47. At the conclusion of the hearing, the Panel reviewed its earlier determination about Former PC D's name being anonymised. Neither the AA nor the former officer made any submissions to the contrary, and the Panel decided that, in light of the anonymity of Ms A, Child B and Child C, it would be appropriate for Former PC D's name to continue to be anonymised for the purposes of publication.

Richard Gittings