

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE  
(CONDUCT) REGULATIONS 2020

CM/788/25

B E T W E E N:-

**THE COMMISSIONER OF POLICE OF THE METROPOLIS**

Appropriate Authority

- and -

**FPC MOHAMMED MOHAMMED**

Officer Concerned

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**NOTICE OF OUTCOME  
ACCELERATED POLICE MISCONDUCT HEARING  
(REGULATION 63 POLICE (CONDUCT) REGULATIONS 2020)**

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Officer concerned: Former Police Constable Mohammed Mohammed  
Date of hearing: 1 June 2026  
Name of person chairing: Katie Lilburn

[References in this decision to the Conduct Regulations are to the Police (Conduct) Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2024 and the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025. The Appropriate Authority is referred to as AA].

**The Decisions of the Accelerated Misconduct Hearing**

**Summary**

The Allegation was found proved. It was determined that FPC Mohammed's conduct had fallen below the standards expected of a serving police officer such as to contravene the Standards of Professional Behaviour and to amount to gross misconduct. It was determined that FPC

Mohammed would have been dismissed had he not previously ceased to be a serving police officer.

### **Attendances**

- FPC Mohammed did not attend the hearing and was not represented.
- The AA's case was presented by Case Manager, Aaryan Sattani.
- The Chair was assisted by a legally qualified adviser, Mr Chris Pataky.

### **Evidence and documentation**

The Chair had been provided with the following evidence and documentation:

- (a) Form 3355D dated 13 May 2026.
- (b) Service email dated 13 May 2026 from AA to FPC Mohammed's Federation Representative.
- (c) Email from FPC Mohammed's Federation Representative (PC Paul Marks) to the AA, dated 19 May 2026.
- (d) Accelerated Misconduct Hearing Bundle (32 pages)

### **Allegations**

The Allegation against FPC Mohammed was as follows:

#### *Allegation 1*

*On Friday 1 August 2025, at Barking Magistrates' Court, you pleaded guilty to the offence of driving a motor vehicle while over the prescribed alcohol limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, and were therefore convicted of this offence.*

*The lower of the two readings recorded 74 micrograms of alcohol per 100 millilitres of breath.*

*You were disqualified from driving for 18 months and fined £700, together with the applicable surcharge and costs.*

#### *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*

*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.*

### **Preliminary Matters**

Public proceedings: The Chair confirmed that in advance of the proceedings, she had considered representations from the AA and determined that the hearing ought to be held in public.

Application to amend the allegation: The AA applied to amend the name of the Court within Allegation 1, from ‘Barking’ to ‘Barkingside’. The Legal Adviser advised that under Regulation 61(1) of the Police Conduct Regulations 2020 (as amended), a Chair had the broad discretion to ‘determine the procedure at the hearing, as far as it is set out in these Regulations’. The Legal Adviser advised the Chair that if she considered she held such a power, consideration would need to be given to the case law in respect of whether or not to grant an application to amend an allegation. The Legal Adviser advised in respect of the judgment of *Ahmedsowida v General Medical Council [2021 EWHC 3466 (Admin)]*, in which the earlier judgment of *PSA v HCPC & Doree [2017] EWCA Civ 319* was referred to. The Legal Adviser advised that the principal consideration in determining whether to allow an amendment to be made was whether such an amendment could be made without injustice to the Former Police Constable.

The Chair confirmed that the amendment to Allegation 1 would be allowed. This was due to the requested amendment not appearing to be a material change to the substantive allegation and the amendment appearing to arise from a typographical error. The Chair was satisfied that there would be no injustice to the Former Police Officer.

The first paragraph of Allegation 1 was therefore amended to the following:

“On Friday 1 August 2025, at *Barkingside* Magistrates’ Court, you pleaded guilty to the offence of driving a motor vehicle while over the prescribed alcohol limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, and were therefore convicted of this offence...”

Notice and service requirements: FPC Mohammed was not in attendance. The AA confirmed that the hearing papers and notice of the hearing had been served on FPC Mohammed’s Federation Representative on 13 May 2026 and that no Regulation 54 response had been received from FPC Mohammed. An email dated 19 May 2026 had been received from FPC Mohammed’s Federation Representative, PC Marks in which it was confirmed that FPC Mohammed would not be ‘putting a reply in’ and that he was ‘aware of the hearing and date and will not be attending’. The Chair confirmed that she was satisfied that the notice requirements for the hearing had been served in accordance with the Regulations.

The Chair received the advice of the Legal Adviser in respect of proceeding in absence of the Former Police Constable. The Chair received advice in accordance with the case of *General Medical Council v Adeogba and General Medical Council v Visvardis [2016] EWCA Civ 162*. In considering whether to proceed in the absence of a police officer, the Legal Adviser advised that the primary consideration was the need for ‘fairness’ to FPC Mohammed though consideration should also be given to the interests of the public as well as fairness to the Appropriate Authority. The Chair was satisfied that it would be fair to proceed in the absence of FPC Mohammed.

## **Background**

The proceedings arise out of FPC Mohammed’s arrest and charge on 15 July 2025 for driving a vehicle whilst over the legal limit of alcohol (Investigation Report, page 7 paragraph 5.6). Whilst FPC Mohammed was a serving police officer, he was not on duty at the material time. On 15 July 2025 FPC Mohammed was provided with a Regulation 17 notice of the investigation. FPC Mohammed confirmed on 18 July 2025 (p21) within his written reply that he had ‘no response to give at this time’.

On 1 August 2025 at Barkingside Magistrate’s Court, Essex, FPC Mohammed pleaded guilty to the offence of driving a motor vehicle when his alcohol level was above the legal limit (Court extract, p29). FPC Mohammed resigned from the Metropolitan Police Service on 1 November 2025 (Investigation Report, paragraph 3.7).

## **Findings on the facts**

The Legal Adviser advised that the standard of proof within the proceedings was the civil standard. The Chair was advised that no finding could be made that the alleged conduct amounted to gross misconduct unless the Chair was satisfied on the balance of probabilities that this was the case. The Chair was advised that the burden of proof rested with the AA.

The Chair received legal advice from the Legal Adviser in respect of *Shepherd v The Law Society [1996] EWCA Civ 977* as to the weight that can be given to the details of a conviction as evident from a certificate of conviction received from a court. He advised that save in exceptional circumstances the facts as evident from such a certificate can be relied upon; that 'public policy' requires that unless there are 'exceptional circumstances' any challenge to a criminal conviction ought not be 'entertained'. He further advised that there appeared to be no suggestion from the available information that the details of the conviction were being challenged. Advice was further provided in relation to the statutory definition of 'gross misconduct' by reference to Regulation 2(1) of the Police (Conduct) Regulations 2020 (as amended).

## **The Chair's Findings on the facts alleged and on Gross Misconduct**

Careful consideration was given to all of the documentary material together with the submissions made by the AA and the advice provided by the Legal Adviser.

*'On Friday 1 August 2025, at Barkingside Magistrates' Court, you pleaded guilty to the offence of driving a motor vehicle while over the prescribed alcohol limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, and were therefore convicted of this offence'.*

I have concluded that this allegation has been proven on the balance of probabilities for the reasons set out below.

I have considered all of the materials within the hearing bundle and in particular the Court Extract which outlines the details of FPC Mohammed's conviction; the Regulation 17 Notice dated 15 July 2025 which provides detail of FPC Mohammed's alcohol test and also the investigation report of PC Morton dated 31 March 2026.

I have accepted in full the detail contained within the investigation report of PC Morton which outlines the background to FPC Mohammed's offence at section 3 of the report and in particular the following:

- FPC Mohammed and another colleague were at a barbecue whilst they were off duty on 15 July 2025.
- FPC Mohammed later left 'the venue' in his vehicle together with his colleague.
- Following this, 'former PC Mohammed 's vehicle sustained significant damage to the front wheel which drew attention of officers on patrol'.
- FPC Mohammed 's vehicle was subsequently stopped on Romford Road in Havering, where he was breathalysed and arrested for 'drink drive'. His colleague was a passenger.
- FPC Mohammed attended custody and was later charged and bailed to attend court.

I have also placed reliance on the Court Extract which according to PC Morton's investigation report was obtained by the Department of Professional Standards on 1 August 2025. Whilst I note that it was not signed, I have concluded on the balance of probabilities that the detail contained within it is accurate. The Court Extract confirms that on 1 August 2025, FPC Mohammed pleaded guilty to the offence of driving a motor vehicle when his alcohol was above the prescribed limit contrary to Section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988. The Court Extract also confirms that the conviction for this offence was before District Judge Donegan.

*'The lower of the two readings recorded 74 micrograms of alcohol per 100 millilitres of breath'.*

I have concluded that this particular has been proven on the balance of probabilities for the reasons set out below.

I have placed reliance upon the Regulation 17 Notice dated 15 July 2025 and signed by PC Spencer and in particular that the 'procedure outcome result on the evidential breathalyser machine' gave the results of 77 and 74 milligrams of alcohol per 100 millilitres of FPC Mohammed's breath. I have therefore concluded on the balance of probabilities that the lower of the two readings recorded was 74 micrograms of alcohol per 100 millilitres of breath. This particular has therefore been found proved.

*'You were disqualified from driving for 18 months and fined £700, together with the applicable surcharge and costs'.*

I have concluded that this particular has been proven on the balance of probabilities for the reasons set out below.

For the reasons already stated, I have concluded on the balance of probabilities that the detail contained within Court Extract is accurate. The Court Extract confirms that FPC Mohammed was disqualified from driving for 18 months, fined £700 and ordered to pay a surcharge of £280 and to pay costs of £85 to the Crown Prosecution Service. This particular has therefore been found proved.

### Conclusion

I have concluded that this allegation has been proven to the requisite standard, namely the balance of probabilities.

### Breach of standards

I am satisfied on the balance of probabilities that the actions of FPC Mohammed breached the following Standards of Professional Behaviour:

#### (i) Discreditable Conduct

FPC Mohammed was above the legally prescribed alcohol limit when he drove his vehicle together with a passenger. I have concluded on the balance of probabilities, that FPC Mohammed placed himself, his passenger and other members of the public at serious risk of harm. By acting in this way as a serving police officer at the time, FPC Mohammed's conduct also had the potential to significantly undermine public confidence in the MPS. Further, where a serving police officer is convicted of a criminal offence as a result of their behaviour (whether on or off duty), this also has the potential to bring discredit upon the police service and significantly undermine public confidence.

I am satisfied that the Appropriate Authority has discharged the requisite burden and that the conduct did breach the standard of Discreditable Conduct.

### Gross misconduct

I have reminded myself that gross misconduct is a breach of the Standards of Professional Behaviour so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of the police service. Applying that definition, I am satisfied that the breach of the standards in this case is sufficiently serious to amount to gross misconduct.

FPC Mohammed consumed alcohol such that he was above the legally prescribed alcohol limit before driving his vehicle thereby placing himself and members of public at serious risk of harm. It is conduct that resulted in a conviction for a criminal offence. I have concluded that this is therefore a particularly serious matter and I am satisfied that the conduct underlying the allegation and which breaches the professional standards as set out above amounts to gross misconduct.

### **Findings on outcome**

A copy of FPC Mohammed's service record was provided by the Appropriate Authority.

The Chair received the advice of the Legal Adviser and was advised to consider the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. The Chair was advised to adopt what is often referred to as the 'three stage process' as outlined within the College of Policing Guidance, namely, to assess the seriousness of the misconduct; to keep in mind the purpose of imposing sanctions; and to consider the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question.

The Chair received the advice of the Legal Adviser in relation to assessing the seriousness of the conviction by reference to the case of *Low v General Osteopathic Council [2007] EWHC 2839 (Admin)*, and specifically that the 'seriousness of the criminal offence, as measured by the sentence imposed' by a court is 'not necessarily a reliable guide to its gravity in terms of maintaining public confidence in a particular profession'. In terms of assessing the seriousness of the conviction for the criminal offence, the Legal Adviser advised that consideration ought to be given specifically to the features of the conviction within the context of the role of a serving police officer.

The Chair was also advised as to the wording of Regulation 62 of the Police Conduct Regulations 2020 (as amended).

## **The Chair's Decision on Outcome**

Careful consideration was given to all of the documentary materials together with the submissions made by the Appropriate Authority and advice provided by the Legal Adviser.

In making my decision on outcome, I have adopted the three-stage process, as outlined in the College of Policing's Guidance on Outcomes.

### *Seriousness*

I have borne in mind that the first stage in determining the appropriate outcome 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 purpose of the police misconduct regime*

The second stage requires me to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements: (i) to maintain public confidence in, and the reputation of the police service; (ii) to uphold high standards and to deter misconduct, and (iii) to protect the public. I further remind myself 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.

### *Appropriate Sanction*

The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.

### *Stage 1: the seriousness of the conduct*

#### *Culpability*

FPC Mohammed's conduct in consuming alcohol such that his alcohol level was beyond the legally prescribed limit before driving his vehicle were deliberate acts and his conduct is blameworthy. The requirement for a police officer to behave (whether on or off duty) in a manner that does not discredit the police service is a fundamental pillar upon which public confidence in the MPS rests. I therefore assess the culpability as high.

### *Harm*

Driving when above the legally prescribed limit has an intrinsic and well-established potential for harm. FPC Mohammed's conduct would likely have placed other road users at risk of harm. For a serving police officer required to uphold the law to act in this manner and to also be convicted of a criminal offence brings substantial harm to the reputation of the MPS. I have concluded that the conduct of FPC Mohammed amounted to a flagrant disregard of the standards expected of a serving police officer. I assess the culpability as high.

### *Aggravating Factors*

There are no aggravating factors.

### *Mitigating Factors*

There are no mitigating factors.

### *Conclusion on Seriousness*

Taking all these matters into consideration, I assess the seriousness of the conduct as high.

### Stage 2: the purpose of the misconduct regime

I have considered the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case. The police misconduct regime is not designed to punish police officers it is about the reputation and standing of the profession as a whole. It is to uphold standards and to ensure that the public is protected.

- Protecting the public: Whilst there is no evidence of actual harm to the public, it is clear that conduct of this nature has the capacity to place members of the public at serious risk of harm. Conduct of this nature also raises considerable concerns about FPC Mohammed's judgement as well as this suitability for service in the MPS.
- Maintaining public confidence: The nature and seriousness of the misconduct has the potential to undermine public confidence in the MPS. Such conduct requires a decisive and proportionate response that will uphold trust and confidence in the MPS.

- Upholding standards of behaviour: FPC Mohammed's conduct which resulted in a criminal conviction was a serious and deliberate departure from the expected standards of a serving police officer. A departure of this nature requires an appropriate response that uphold standards of behaviour and which also has a deterrent effect.

### **Stage 3: the appropriate outcome**

I have considered the officer's record of service.

I have considered the wording of Regulation 62 (as amended) that makes clear that in a case where gross misconduct has already been established, unless I am satisfied that there are exceptional circumstances to justify a different outcome, a sanction of dismissal without notice would be required had FPC Mohammed still been serving.

Having considered this case carefully, I have been unable to identify any exceptional circumstances to justify a different outcome.

My decision is therefore that dismissal without notice would have been the only viable option had FPC Mohammed still been a serving officer.

In any event, having considered the nature and seriousness of FPC Mohammed's conduct together with the severity of the breach of the Standards of Professional Behaviour, I am satisfied that no lesser sanction would have been appropriate and he would have been dismissed without notice.

The Appropriate Authority is directed to inform the College of Policing that FPC Mohammed's name should be recorded on the police barred list.

### **Decision on Publication**

Having further considered the submissions on publication from the AA, it is further directed that this decision shall be published in accordance with Regulation 63(5) of the Police (Conduct) Regulations 2020 (as amended).

**Chairperson's signature** *Katie Lilburn*

**Date:** *09<sup>th</sup> June 2026*

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**Right of Appeal**

A police officer has a right of appeal against any disciplinary finding and/or disciplinary outcome imposed at an Accelerated Misconduct Hearing held under the Police (Conduct) Regulations 2020 (as amended). Notification of this right of appeal is provided in accordance with Regulation 63(2) of the Police (Conduct) Regulations 2020 (as amended).