

SPECIAL CONSTABLE A

REGULATION 63(1) NOTIFICATION OF OUTCOME

Introduction

1. On 4th June 2026, I chaired an accelerated misconduct hearing (AMH) for Special Constable A (the ‘Officer’). I submit this report on my findings, reasons, and outcome to the Appropriate Authority (the ‘AA’) in accordance with Regulation 63(1) of the Police (Conduct) Regulations 2020 (the ‘Regulations’).
2. The hearing was held in public at the International Dispute Resolution Centre, 1 Paternoster Lane, St Paul’s, London, EC4M 7BQ.
3. The Officer was not present at the hearing, but was represented by his Federation Representative, PC Barry Edwards. Those present at the hearing were:
 - a) PC Barry Edwards – Federation Representative
 - b) Molly Nairn - Case Manager
 - c) Edward Barham – Legal Advisor

Anonymity

4. Prior to the hearing, I received representations from the Officer’s Federation Representative and the Appropriate Authority regarding the anonymity of the Officer in these proceedings based on concerns raised surrounding the Officer’s mental health, for which supporting medical evidence was supplied. Whilst the hearing is in public, it was directed that the Officer’s name should be anonymized.

Having received further representations from the Officer's Federation Representative and the Appropriate Authority at the outset of the hearing, I was satisfied that the Officer's would be anonymized in these proceedings under Reg 59(2)(c).

Officer's Attendance

5. As the Officer did not attend the hearing, I considered whether it was appropriate to continue with the hearing in any event. I am satisfied that the Officer was informed of the time and date of this hearing and had been served with the relevant documentation, and this was confirmed by his Federation Representative, who informed me that he had spoken with the Officer and that the Officer would not attend on the basis of the impact it would have on his mental health.
6. I considered whether it would be fair to the officer to proceed in the circumstances and, on the basis that the Officer was absent voluntarily, was represented by his Federation Representative, and that no benefit would come from an adjournment, I concluded that it would not be unfair to continue.

Preliminary matters

7. At the outset, the Officer's Federation Representative informed me that a Regulation 54 Response had been submitted. I retired to give time for the AA and the Federation Representative to identify if this was the case.
8. When I returned, I was shown a document that the Officer had submitted in response to the Reg 51 notice; however, having briefly looked at the document, I concluded that it did not comply with Regulation 54 because it did not say whether the Officer accepted the allegations amounted to gross misconduct. However, the document did make some admissions of fact but largely dealt with mitigation and outcome. I was advised not to consider the document until I had made determinations on facts and whether any standards of professional behaviour had been breached. I informed the parties of my position and was informed by the Federation Representative that the Officer admits to the breaches to the standards

to the level of Gross misconduct. In the absence of the Officer, and in fairness to the Officer, I performed my own determination of whether I found the matter proved, and the seriousness of the conduct.

The Allegation

9. The Officer faced one allegation, set out below, that I read into the record:

“On or between 8th September 2025 and 16th September 2025 you sent several text messages of an explicit and sexual nature from your MPS issued mobile device.

The messages included sharing an image of male genitalia, to a female recipient whom you met on a dating website.

The use of the MPS-issued device was not for a legitimate policing purpose. Further, you have admitted to this conduct.

Your actions constitute a failure to comply with Orders and Instructions relating to the use of MPS-issued equipment and fall below the standards expected of a serving special constable.

Your actions also represent a breach of the Metropolitan Police Service Mobile Phone Usage Policy and Smartphone – Conditions of Use Policy.

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 and 2025, namely:

- *Discreditable Conduct*
- *Orders & Instructions*

In that you behaved in a manner likely to bring discredit upon the police service and undermine public confidence. As a result of that stated herein, if proven, your conduct amounts to gross misconduct and your dismissal may be justified.”

The Evidence

10. The AA’s evidence comprised a bundle that included the documents outlined below, all of which I had read prior to the hearing:
 - a) Special Case Certificate
 - b) Regulation 51 Notice – Allegations
 - c) Investigation Report
 - d) Regulation 17 Notice – Signed 26/02/2026
 - e) DET report from LBM showing messages and photos
 - f) MPS Mobile phone usage policy
 - g) MPS Smartphone condition of use
 - h) MG14 – the Officer – dated 27/02/2026
 - i) MG11 PC Rachael Holmes – dated 09/04/2026
11. The AA identified that, as the allegation came to the attention of the Appropriate Authority after 28th May 2025, this case is governed by the Police Conduct Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2025.
12. The AA referred me to the material that was said to demonstrate that the officer had sent the messages and the policy that was said to have been breached.
13. In particular, the AA referred to the MG11 of Rachel Holmes (the investigating officer), the conditions and use policy, and the Officer’s statement under caution in which he accepts sending the messages and breaching the Standards of

Professional Behaviour. The AA also identified the messages that were found on the Officer's device that included explicit messages and an explicit photo of male genitals.

14. The AA quoted from the MPS Mobile Phone Usage Policy, that the use of work-issued devices was not for personal use, save for emergencies.
15. The AA submitted that the use of MPS work device was inappropriate and fell below standard expected and raised concerns about professionalism, confidentiality, and company resources.
16. The Officer's Federations Representative did not present any evidence that the officer had not acted as described, in sending the messages on a work phone, but asked to read from a document provided by the Officer. The document was the response to the Regulation 54 notice that I had been shown in the initial stages of the hearing. I was alert to the fact that the document made reference to outcome, but this had no bearing on my consideration of the facts.
17. The document that was read out included the Officer saying, "I fully accept that using device was inappropriate and demonstrated poor judgment" and that the Officer regretted and do not seek to minimize his conduct and took full responsibility for lapse of judgement. In the document, the Officer also mentioned that at the time of sending the messages he was experiencing anxiety and OCD.
18. The Officer made reference to his good conduct, and I took this into account in noting that a person's good character makes it less likely that they will commit an offence and less likely that they would lie about their conduct.

Findings of Fact

19. I found the facts in the allegation proved in that the officer did send text messages from his work issued device for a period of 8 days that were of an explicit and sexual nature; that the messages were not for a work purpose; and that the conduct breached the MPS mobile phone usage policy which states that "*It is expected that officers will use these devices solely for policing purposes unless they need to*

make contact for example with family members or carers in an emergency.” These findings were based on both the Officer’s admissions and the evidence in the bundle.

20. However, I did not find that the Officer had breached the “MPS Smartphone Conditions of Use Policy” because, whilst there may be parts of the policy that deal with the use of an MPS device for sending explicit personal messages, the extract of the policy that was in the bundle contained no such reference.
21. Having found that facts proved, I considered that the facts did amount to a breach of both Discreditable Conduct and Orders and Instructions.

Seriousness

22. I was reminded that Gross Misconduct is defined as a breach of the Standards of Professional Behaviour that is so serious that dismissal would be justified. In accordance with the College of Policing guidelines, I approached my determination of the seriousness of the conduct by considering the culpability, harm, aggravating factors and mitigating factors in the case.

Culpability

23. I found the culpability was High as the conduct was intentional and deliberate.

Harm

24. I found that the harm was High as the conduct was unprofessional and was a clear breach of policy. In addition, whilst there was no identifiable harm to an individual, the organizational harm is high because, in the current environment that the met finds itself, public confidence in MPS would be damaged, if the public were aware of a police officer acting in such a manner.

Aggravating factors

25. I found that the conduct was repeated, despite the Officer saying that the conduct was only for a short period. I found that the sending of repeated text and photo

messages over 8 days, represents repeated conduct throughout which the officer would have been aware of his actions.

26. In addition, this was a significant deviation from instruction not to use the MPS issued device for personal matters; this was not a case of an officer sending a one-off message to a family member for a non-emergency, but rather sending explicit messages in the context of a romantic relationship.

Mitigating Factors

27. I considered the representations from the Officer's representative in relation to the anxiety and OCD that the Officer says existed at the time, but I noted that the only medical evidence about the Officer's mental health is in relation to the anonymity of the officer, as opposed to how his conduct at the time was influenced by mental health issues. I was presented with no evidence that the Officer suffered from OCD at the time, nor how this affected his behaviour. Therefore, I have given little weight to the Officer's submissions that his mental health contributed to his behaviour.
28. Whilst the Officer referred to other 'comparator' cases, in his response to the Regulation 51 (and quoted by his Federation Representative in the hearing), I note that the references are to news articles and not to written judgements. In addition, three of the cases appear to be of no relevance as they do not involve police officer's use of a work mobile device for sending explicit messages. In the absence of a judgement in those cases I did not place any weight on them as a mitigating factor.

Misconduct or Gross Misconduct

29. On the basis of the above, I found that the level of seriousness amounted to gross misconduct.

Outcome

30. Having found gross misconduct, I was bound by the amended Regulations that state that the Chair 'must' impose the disciplinary action of dismissal without

notice unless there are exceptional circumstances, when a final written warning can be issued (or reduction in rank, which does not apply in this case) (Regulation 62).

31. I was advised that there is no case law or legislation in relation to the definition of 'exceptional circumstances' in relation to Accelerated Misconduct Hearings, and so I applied the everyday meaning of the word 'exceptional'. I was provided with evidence in relation to the Officer's mental health, but having checked with the Federation Representative and the AA, I saw nothing that explained why the Officer's mental health would amount to an exceptional circumstance insofar as the presumption of dismissal is concerned (as opposed to his anonymity). In addition, the 'comparator' cases, did not assist me as these were in the form of news articles and no evidence was submitted to show that these cases were truly comparable in that they were determined under the new regulations.
32. Despite the presumption of dismissal, I have considered the Guidance on Outcomes as provided by the College of Policing. I remind myself of the purpose of police misconduct regime is to:
 - a) to maintain public confidence and the reputation of the police service;
 - b) to uphold high standards in policing; and
 - c) deter misconduct to protect the public.
33. I have also approached my determination on outcome in accordance with the Regulations and with the factors identified by Mr Justice Popperwell in *Fulgers*:
 - a) assess the seriousness of the misconduct;
 - b) keep in mind the purpose of imposing sanctions; and
 - c) choose the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question

34. In determining the outcome, I have repeated the exercise that I performed when assessing the seriousness of the conduct in relation to culpability, harm, aggravating and mitigating factors, which I do not repeat here. I considered the Officer's service record, but accept the AA's view that the weight attached to personal mitigation is limited.
35. In the absence of anything from the officer as to why his case is exceptional, I find that the appropriate outcome is dismissal without notice and that the Officer's name be added to the barred list.

Regulation 63 Notice

36. Noting the compelling submissions from the Officer's Federation Representative and from the Appropriate Authority, as well as the medical evidence of the Officer's current mental health, that led to the anomysation of the Officer in these proceedings, it was agreed that the Appropriate Authority's published report will redact the officer's name, referring to him as 'Special Constable A', in line with Regulation 63(8)(b).

Right of Appeal

37. The Officer has a right to appeal this decision in accordance with the Police Appeals Tribunal Rules 2020. If the Officer wishes to appeal, he should provide notice of his intention to appeal to the Appropriate Authority within 10 working days of receipt of this written determination

Commander Paul Trevers