

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

IN THE MATTER OF:

PC BILLY MANNING

And

PC FRANKIE JORDAN

DECISION OF THE PANEL

Commander Andy Brittain (Chair), Purnima Uppal (Independent Panel Member) and Mark Dent (Independent Panel Member).

INTRODUCTION

The misconduct hearing for PC Frankie Jordan (The Officer) was held in public between 17-24 November 2025 at Empress State Building, London. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 (“the 2020 Regulations”).

THE ALLEGATIONS

The Panel was referred to a Regulation 30 notice in respect of the Officer containing the allegations and that his conduct amounted to gross misconduct:

CASE 1

1. You failed to follow the MetSec Code of the Metropolitan Police Service with regard to the capturing, storage, security and retention of data and evidential material. You took photographs, or received and retained images, using your personal mobile phone and which were required for a

policing purpose relating to the following dates;

- a. 30th May 2021;
- b. 24th July 2021;
- c. 8th October 2021;
- d. 2nd November 2021;
- e. 7th November 2021.

2. In respect of the images taken relating to 30th May 2021 you failed to follow the Metropolitan Police Service Death Investigation Policy in respect of the death, and you failed to follow the ICEFLO policy of the Metropolitan Police Service concerning the equipment to be used to take images.

Allegation 1

3. Your actions, as set out in paragraphs 1 and 2 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, whether on or off duty.

Allegation 2

4. Your actions, as set out in paragraphs 1 and 2 above, breached the Standard of Professional Behaviour of Duties and Responsibilities: Police officers are diligent in the exercise of their duties and responsibilities.

Allegation 3

5. Your actions, as set out in paragraphs 1 and 2 above, breached the Standard of Professional Behaviour of Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders.

CASE 2

You and other officers were members of a WhatsApp group “Away Days” on which messages were shared and exchanged.

6. You contributed to the messaging, and or failed to challenge messaging, that was sexist, homophobic, ableist and/or transphobic in relation to the following dates:
 - a. 16th November 2021;
 - b. 20th December 2021;
 - c. 23rd December 2021;
 - d. 27th January 2022;
 - e. 4th February 2022; following an email sent to every Metropolitan Police officer from the then Commissioner of Police for the Metropolis, Cressida Dick, “Enough is enough”;

Allegation 4

7. Your actions, in sending messages to other officers and contributing to such online conversations, 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, whether on or off duty.

Allegation 5

8. Your actions, in sending messages to other officers and contributing to such online conversations, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 6

9. Your failure to challenge such sexist, homophobic, ableist or transphobic

comments by other officers breached the Standard of Professional Behaviour of Challenging and Reporting Improper Conduct: Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour

And take notice that the allegations set out in Case 1 above (in paragraphs 1 to 5 above) individually and collectively amount to gross misconduct and are so serious as to justify dismissal.

The allegations set out in Case 2 (in paragraphs 6 to 9 above) amount to misconduct and are so serious as to justify disciplinary action.

Taken as a whole, the matters set out in both Case 1 and Case 2 amount to gross misconduct and are so serious as to justify dismissal.

REPRESENTATION

The Appropriate Authority (“the AA”) was represented by Giles Bedloe of counsel. PC Manning was represented by Kevin Baumber of counsel and PC Frankie Jordan (PC Jordan) was represented by Luke Ponte of counsel.

The Panel thanks the representatives for their assistance throughout the case, including the provision of the AA’s opening note.

The Panel was assisted by Maurice Cohen, Legally Qualified Person.

REGULATION 30 NOTICE

On the first morning of the hearing the Regulation 30 Notice, as set out above, was read out. PC Jordan made full admissions to the same and his response was set out in the Regulation 31 response. Misconduct was admitted whilst gross misconduct were denied.

THE PANEL'S APPROACH

The Panel reminded itself it was: -

- a. Required to consider the facts of the case and to make its findings of fact in relation to the allegation;
- b. To determine whether those findings of fact found constitute a breach of the relevant standards;
- c. To determine whether the conduct found proven against the Complainant amounted to misconduct or gross misconduct.

The Panel reminded itself that the burden of proof is on the AA throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.

The Panel approached its decision-making by keeping in mind the purpose of police misconduct proceedings. The primary purpose is not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A second purpose is to declare high professional standards and the third purpose is to protect the public, which includes fellow officers and police staff, by preventing similar misconduct recurring in the future.

The Panel had regard to Bolton v Law Society [1993] EWCA Civ 32; Chief Constable of Dorset v PAT, Salter Interested Party [2011] EWHC 3366 (Admin) and R (Williams) v PAT [2016] EWHC 2708 (Admin).

The Panel also had regard to the following regulations and guidance: The Police (Conduct) Regulations 2020 (amended) ("The Regulations"), including the Standards of Professional Behaviour at Schedule 2;

- a. Home Office Guidance: Police Officer Misconduct... (2018) ("HOG"), including Chapter 1, Guidance on Standards of Professional Behaviour;
- b. The definition of misconduct given at regulation 2(1) of the Regulations: "a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action";

- c. The definition of gross misconduct given at regulation 2(1) of the Regulations: “a breach of the Standards of Professional Behaviour that is so serious to justify dismissal” and the College of Policing Guidance on outcomes in police misconduct proceedings (2023)

The Panel listened carefully to the oral evidence and carefully considered all other evidence before them. It considered the totality of the evidence and submissions made. The Panel does not propose to deal with each and every aspect of the evidence or submissions made but states its main conclusions. The Panel heard submissions from both parties and received legal advice from the Legally Qualified Person.

EVIDENCE - CASE 1 AND 2

The Panel was provided with the following documents:

Regulation 30 Bundles entitled Operation Regnitz strand 1 and 2 comprising of 709 and 603 pages, comprising, inter alia, the Regulation 30 allegations, IOPC Reports, PC Jordan’s Regulation 31 response, MG14 response to caution (prepared statement), various witness statements, ROTIs (x2), training record, mobile telephone extracts, email chains and policy documents.

THE BACKGROUND

PC Jordan has been a serving Metropolitan Police officer since 2020. He had a troubled upbringing. Since qualifying, he has served on the Response Team at Stoke Newington Police Station. As a result of his colleague, PC Manning being arrested and having his phone confiscated and analysed, PC Jordan became of interest due to his participation in a WhatsApp group and his phone identified that he had a number of photographs on it, relating to confidential police matters, which should not have been there and had not been deleted.

The WhatsApp group entitled “Away Days” which contained messages which were deemed to be sexist, homophobic, ableist and/or trans-phobic in content.

All officers involved in the group were investigated and PC Jordan was also subject to a criminal investigation. Criminal charges were not pursued, but the investigation led to the current misconduct proceedings against both subject officers jointly pursued by the Appropriate Authority and the IOPC.

PC Jordan was interviewed under caution. He submitted a prepared statement dated 25 October 2022. He indicated that he agreed that the photographs were found on his phone but he did not believe that he had done anything wrong. He stated that he and colleagues routinely took photos of evidence on their personal mobile phones and sent them to colleagues via WhatsApp to compress them so that they could be emailed to their MPS email accounts and subsequently uploaded onto the MPS system. He had not used his MPS-issue tablet because they were sub- standard.

They had not been allocated work mobile phones. He apologised for having retained the photos on his phone.

Following the above, Chief Inspector Dominic Nye and Detective Superintendent Rutland briefed PC Jordan's B response team colleagues to advise them that their practice of using their personal mobile phones for policing purposes was not in line with policy. Following this briefing, officers came forward to report that they had also taken photos on their personal phones during policing duties and some had been retained. One such officer, was PC Else, who advised that he had attended another sudden-death with PC Manning in September 2021 and that PC Manning had sent him photos of the dead body via WhatsApp for the sudden-death pack. PC Else had deleted photos from his phone after using them for their intended purpose.

The panel were provided with statements and emails from senior officers at Central East BCU, concerning the use of mobile phones for obtaining evidence and the policies in relation to their use.

Chief Inspector Leanne Alleyne indicates that following PC Manning's arrest, the issue of officers using their personal mobile phones for a policing purpose was

discussed at the SLT meeting on 21 February 2022. DCI Az Odabashian initially indicated that officers could use their personal mobile phones in exceptional circumstances for example where an ICEFLO camera could not be obtained and evidence would otherwise be lost. An email to this effect was sent to the team. It was indicated that images should be deleted from the personal device as soon as possible. Subsequently, with reference to guidance and liaison with DPS, revised guidance was sent to the team to advise that mobile telephone should never be used for a policing purpose.

Chief Inspector Nye indicated that as far as he was concerned and according to his training, personal mobile devices should never be used in order to capture and upload evidence. He became aware that it was a practice that some officers engaged in. Following meetings and discussions the team were advised that they should never follow this practice. He was aware that there was MPS General Investigations Policy that allowed in certain circumstances for officers to use their own devices to prevent evidence being lost, with the subsequent rapid deletion of the same. There was a social media Policy that stated officers should not use their own device to transfer work-related matters.

The emails and live evidence of CI Nye and CI Allyene were evidence of confused and conflicting guidelines that even within the Senior Leadership Team (SLT) were interpreted differently. Ultimately after much debate the BCU Commander implemented a local policy banning their use with immediate effect.

PC Tomala in evidence to the panel indicated that he was also attached to Stoke Newington Police Station. He attended a sudden-death with PC Manning. The matter would have been recorded on his BWV. He could not recall who took photos on their private devices. He never did utilise WhatsApp in order to upload them. He would delete them from his private device as soon as they were safely emailed to his MPS account. Private devices were routinely used by officers in order to photograph evidence to be uploaded onto the system although it should always be deleted as soon as possible.

PC Jordan indicated that he had no clear recollection of being trained on the

relevant policies that he was said to have breached. He was aware of the METSEC code and of the Data Protection Act but had no detailed training in respect of the same. On- the-job training from colleagues routinely indicated that MPS issued equipment was poor and that personal mobile phones should be used in order to photograph evidence. This was frequently too large to be sent to their MPS email addresses for uploading onto the system and the workaround was to WhatsApp the image to a colleague which compressed it. It can then be returned by email, sent to the MPS email address and uploaded accordingly. The process compressed the image. He denied deliberately retaining the images on his phone. He forgot that they were there.

He did not recall the circumstances in which photographs of an alleged perpetrator of a sexual assault was sent to him by PC Manning and were detained on his phone.

In respect of Strand 2, PC Jordan concedes that some of the messages including images and comments contained therein were objectionable and in poor taste. It was a private group and the comments therein were not intended for others to view or to offend. There were jokes and banter within the group, but he concedes that they were entirely inappropriate and that he should not have posted such inappropriate comments or engaged with them and that they could offend various sections of society.

PC Else and PC Malik were not called to give evidence before the panel. Their witness statements were admitted into evidence unchallenged.

The panel were provided with additional material including an expert report in respect of the adequacy of tablets allocated to officers including PC Jordan.

[The Panel's Analysis of the Evidence](#)

On Day 1 PC Ward, CI Alleyne, PC Tomala and CI Nye all gave evidence before the panel. On day 2, PC Todd-Weller and PC Hall gave evidence before the

panel.

After analysing the evidence of all of the above witnesses, the Panel found that they had given measured, balanced and credible evidence. There was no indication that any had any “agenda” against PC Jordan. Their evidence was considered to be largely consistent, with their previous evidence, predominantly set out in their witness statements.

In respect of the evidence of CI Alleyne and CI Nye it was clear that there was significant confusion initially, following the arrest of PC Manning concerning what was acceptable practice and/or dictated by policy in respect of officers utilising their personal mobile phones in order to photograph evidence for uploading onto the system. This led to multiple emails being sent to the team giving contradictory advice concerning whether mobile phones could ever be used in order to take photos of evidence.

In respect of the evidence given by PC Jordan, the panel were unconvinced by his evidence concerning the extent of his lack of knowledge of the relevant policies in respect of the capture and retention of sensitive data.

The panel accepted that it was fairly common practice for officers to use their personal mobile phones in order to take photographs of evidence. These would frequently be sent to colleagues on WhatsApp in order to compress them so that they could be sent as attachments in emails to their MPS email account and subsequently uploaded onto the system. They should have then immediately been deleted off the officers phone which was the norm. The panel accept that there may have been oversights in officers not realising that the photos were also captured on their WhatsApp reels.

PC Jordan accepted that messages on the WhatsApp group were in places, highly offensive, inappropriate but indicated that it was some time ago and that he now realises it was totally inappropriate and wrong. The panel finds from the tone of some of the messages, which indicated an awareness that if they were seen by DPS it would have consequences that the officers including PC Jordan fully knew

at the time that the messages were wrong, offensive and liable to cause significant offence but this did not stop them from sending and/or reacting to the same. PC Jordan both participated in this manner and failed to challenge others when they did so.

PC Jordan in his evidence conceded that his participation in the WhatsApp group was wrong and that he erred both in sending offensive messages and failing to challenge his colleagues when they did so.

Panel's views in respect of the application of misconduct / gross misconduct in respect of the allegations

During the course of its deliberations the panel had cause to re-visit the level at which Case 2 was to be assessed. The panel noted that as drafted it was said to amount to misconduct only, the panel had regard to appropriate case law including:

R v (on application of CC Derbyshire Constabulary) v Police Appeals Tribunal (Green and Stewart) [2012] EWHC 2280 (Admin)

The panel considered in respect of Case 2 that the allegations if found proved were so serious that they could amount to gross misconduct. In applying appropriate case law, the panel was mindful of the need to ensure that it proceeded in a fair and just manor.

With that in mind, the panel of its own volition have decided that it needed to adjourn firstly to enable Mr Ponte to consider this issue, take instructions and be in attendance and secondly for counsel to both officers to consider their position going forward and determine whether they wish to recall the officers to give further evidence or merely make submissions to the panel in the light of its decision.

Further Hearings

A hearing occurred involving the Chair, counsel for all parties and the LQA on 10 December 2025 by MS Teams. Counsel for the 2 subject officers confirmed that the

panel had the ability indicated above to increase the potential level of severity. There was no objection in the circumstances to them doing so. It was agreed that discussions would take place post-hearing in order to attempt to set out a route map going forward.

Further to the above, the hearing resumed online, again by way of MS Teams attended by all parties on 5 February 2026. At this, counsel was invited to make any further submissions in respect of the issue of whether the allegations, if found proved, amounted to misconduct or gross misconduct. Mr Bedloe and Mr Baumber declined to make any further submissions.

Mr Ponte took the opportunity of making submissions on behalf of PC Jordan. He indicated that both the IOPC and AA had the opportunity to assess the seriousness of the allegations in respect of Strand 2 and found that it was appropriate to charge them at the level of misconduct rather than gross misconduct. Out of the various officers involved in the group, it was only PC's Manning and Jordan who were made subject to misconduct proceedings. Some of the postings made by PC Jordan were trivial in nature. PC Jordan had a difficult upbringing and tended to deal with stressful circumstances by utilising humour. There was a disconnect between his online postings and real-world actions. He and other officers volunteered to the sergeant that they were part of the WhatsApp group. In all of the circumstances, Mr Ponte submitted that the assessment undertaken by the IOPC and AA was correct and that the admitted allegations amounted to misconduct rather than gross misconduct.

The panel retired and all parties agreed to resume the hearing at 5 PM on 19 February 2026 at Palestra House.

Findings of Fact

CASE 1

- 1 – (a;b;c;d and e) - All found proved by way of admission.
- 2 - Admitted and found proved.

Standards of Professional Behaviour

Allegation 1

PC Jordan's actions, as set out in paragraphs 1 and 2 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, whether on or off duty.

Allegation 2

PC Jordan's actions, as set out in paragraphs 1 and 2 above, breached the Standard of Professional Behaviour of Duties and Responsibilities: Police officers are diligent in the exercise of their duties and responsibilities.

Allegation 3

PC Jordan's actions, as set out in paragraphs 1 and 2 above, breached the Standard of Professional Behaviour of Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders.

CASE 2

6 - Statement of fact.

7 – (a;b;c;d and e) - All are admitted and found proved.

Allegation 4

PC Jordan's actions, in sending messages to other officers and contributing to such online conversations, 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, whether on or off duty.

Allegation 5

PC Jordan's actions, in sending messages to other officers and contributing to such online conversations, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 6

PC Jordan's failure to challenge such sexist, homophobic, ableist or transphobic comments by other officers breached the Standard of Professional Behaviour of Challenging and Reporting Improper Conduct: Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

The Panel's Decision on Misconduct/Gross Misconduct

The Panel next considered whether the allegations found proved amount to misconduct or gross misconduct.

In making this assessment, the Panel had regard to the College of Policing Guidance on Outcomes in Police Misconduct Proceedings (2023). Thus, the Panel assessed the seriousness of the proven conduct by analysing PC Jordan's culpability for that conduct and the harm caused by that conduct.

The panel go on to consider seriousness. It notes that Case 2 is said to amount to misconduct whereas Case 1 is stated to amount to gross misconduct. PC Jordan admits the allegations at the level of misconduct.

Culpability

In respect of taking photographs of evidence on his mobile phone and on mobile

phones of others and exchanging those images via WhatsApp with colleagues prior to them being uploaded onto the system, the panel acknowledges the evidence of PC Jordan, PC Manning and witnesses including PC Tomala and CI Alleyne, that this was common practice amongst PC Jordan's team. The panel accepts the evidence that officers learnt to follow this practice by way of example from those with more experience than them when they joined the team. The panel notes that even amongst the team leadership there was a huge amount of confusion, once this issue was highlighted there was a great deal of discussion as to whether it was permissible or not leading to confusing emails and retractions. The wording of the METSEC Code and ICEFLOW are somewhat contradictory and confusing. Other policies appear to have been in place permitting the practice in the past. In the light of these factors, the panel does not find that PC Jordan's actions in using his mobile phone in order to capture evidence is of the greatest seriousness. It finds that there is significant mitigation relating to his actions.

However, PC Jordan's failure to delete the images from his phone is of more significance. The panel acknowledges that others, including PC Malik, may have failed to realise that the images were contained on their WhatsApp chat and needed to be separately deleted. The panel however finds that certainly following PC Manning's arrest, PC Jordan should have become highly aware of this issue and deleted these images from his phone and WhatsApp chat.

PC Jordan was solely responsible for his own actions, save for the fact that he was following the example of more experienced officers in using his own mobile phone and that of others to capture evidence and utilising WhatsApp in order to compress images before emailing them to his MPS account.

In respect of data protection breaches, the panel notes from the college of policing guidance on outcomes that the only factor that would support a more serious outcome was the fact that the breach related to personal privacy with the data was very sensitive.

Harm

The panel note in respect of harm that the main harm concerned was reputational harm although the officers who viewed the images could have suffered emotional or psychological harm.

The images taken with regard to the allegations in case 1 were for a policing purpose.

The panel considers that the public would be shocked and alarmed if they knew the context in which the images taken by PC Jordan were stored on his personal device.

The panel note that it is alleged by the Appropriate Authority that PC Jordan's contributions to and participation in the Awayday WhatsApp group amounts to misconduct. PC Jordan admits this allegation at the level of misconduct. The panel find that PC Jordan's postings were extremely offensive in nature and content. They were homophobic, misogynistic, ableist and transphobic. They have no place in the MPS. The general public including members of the groups who were targeted would be horrified to learn that a serving member of the Metropolitan Police would express such thoughts.

In the light of the factors noted above, the panel finds that PC Jordan's actions and breaches of the code of conduct in respect of Case 1 are not of such seriousness that they could lead to his dismissal. They are reprehensible, but the panel find that there is significant mitigation for his conduct and accept that many of the images retained on his phone were there due to oversight rather than a deliberate act. In the light of these factors, the panel find that PC Jordan's actions in respect of the allegations found proved relating to Case 1 amount to misconduct.

The panel finds that in respect of Case 2; PC Jordan's actions are extremely serious and liable to disciplinary action and amount to gross misconduct.

Outcome

In considering outcome the Panel has taken account of the College of Policing Guidance on outcomes in police misconduct proceedings (2023). The Panel has borne in mind that the purpose of police misconduct proceedings is threefold:

To maintain public confidence in and the reputation of the police service.

To uphold high standards in policing and deter misconduct.

To protect the public.

The panel heard submissions from counsel for the AA and for the officer and had advice from the Legally Qualified Adviser.

The Panel assessed the seriousness of the allegations found proved. In respect of taking sensitive photographs on his personal mobile phone and distributing them to others, the panel notes that this was a widespread practice amongst PC Jordan's team and that there was considerable confusion concerning the applicable rules and procedure. The panel consider that there was significant mitigation in respect of this allegation found proved. It is not considered in the circumstances to be particularly serious in nature. In respect of his involvement in the WhatsApp group, PC Jordan's messages were limited in nature and whilst reprehensible, the panel noted PC Jordan's demonstration of insight, mediation repudiation and regret and steps taken by him, referred to below which have the effect of reducing the seriousness of this offence and of his failure to challenge others in respect of their postings.

Culpability

In respect of taking photographs of evidence on his mobile phone and on mobile phones of others and exchanging those images via WhatsApp with colleagues prior to them being uploaded onto the system, the panel acknowledges the evidence of PC Jordan, PC Manning and witnesses including PC Tomala and CI Alleyne, that this was common practice amongst PC Jordan's team. The panel accepts the evidence that officers learnt to follow this practice by way of example

from those with more experience than them when they joined the team. The panel notes that even amongst the team leadership there was a huge amount of confusion, once this issue was highlighted there was a great deal of discussion as to whether it was permissible or not leading to confusing emails and retractions. The wording of the METSEC Code and ICEFLOW are somewhat contradictory and confusing. Other policies appear to have been in place permitting the practice in the past. In the light of these factors, the panel does not find that PC Jordan's actions in using his mobile phone in order to capture evidence is of the greatest seriousness. It finds that there is significant mitigation relating to his actions.

However, PC Jordan's failure to delete the images from his phone is of more significance. The panel acknowledges that others, including PC Malik, may have failed to realise that the images were contained on their WhatsApp chat and needed to be separately deleted. The panel however finds that certainly following PC Manning's arrest, PC Jordan should have become highly aware of this issue and deleted these images from his phone and WhatsApp chat.

PC Jordan was solely responsible for his own actions, save for the fact that he was following the example of more experienced officers in using his own mobile phone and that of others to capture evidence and utilising WhatsApp in order to compress images before emailing them to his MPS account.

In respect of data protection breaches, the panel notes from the college of policing guidance on outcomes that the only factor that would support a more serious outcome was the fact that the breach related to personal privacy with the data was very sensitive.

Harm

The panel note in respect of harm that the main harm concerned was reputational harm although the officers who viewed the images could have suffered emotional or psychological harm.

The images taken with regard to the allegations in case 1 were for a policing purpose.

The panel considers that the public would be shocked and alarmed if they knew the context in which the images taken by PC Jordan were stored on his personal device.

The panel finds that a small number of messages posted by PC Jordan within a private WhatsApp group were inappropriate and capable of causing offence. Some of the language used could reasonably be perceived as sexist, homophobic or ableist in nature. Such language falls below the standards expected of a serving police officer.

The panel considers the context in which the messages were sent. The messages were limited in number, were exchanged within a private forum, and were not intended for a wider audience. The homophobic comments related to a colleague who is not homosexual and who, on the evidence before the panel, does not appear to have been offended by the messages. While this does not excuse the conduct, it is relevant to the panel's assessment of seriousness.

In considering aggravating features, the panel notes that the language used was ill-judged and inappropriate for a serving officer. However, the panel also notes that the messages were isolated, were not repeated over time.

The panel has had regard to relevant case law indicating that personal mitigation attracts limited weight. Nonetheless, the panel takes into account that PC Jordan did not intend for the messages to be seen beyond the group, has accepted the potential impact of the language used, and has expressed genuine remorse. Early admissions were made.

The panel also noted that PC Jordan described a difficult upbringing. While this was taken into account as part of his personal mitigation, the panel did not consider that it excused or justified the misconduct.

The panel further notes that the matters relate to events between 2020 and 2022. The panel has carefully considered the character references and testimonials provided, which demonstrate that in the period since these events PC Jordan has continued to perform his duties to a high standard. He is described as a compassionate and committed officer who has, on multiple occasions, gone beyond what is required of him in the performance of his role.

The Panel considered the outcomes in ascending order of seriousness. The outcome should be the least severe that adequately deals with the issues identified, while protecting the public interest. PC Jordan has submitted a large number of glowing character reference reports from a number of officers of multiple ranks and is clearly an accomplished officer who appears to be dedicated and hardworking, he is highly commended in a number of difficult areas of policing many of which he has chosen to work within. He has clearly developed insight and has taken significant steps to address and remediate his offending behaviour.

In respect of sanction the panel acknowledging the mitigation found above and in particular the substantial extremely positive references and testimonials indicating that PC Jordan is an otherwise outstanding officer who is highly respected by colleagues, find that public interest in this case would be served best by maintaining such an officer in his post, whilst marking the misconduct found proved and the panel in the circumstances find that the appropriate proportionate sanction is that of a final written warning for a period of three years. Dismissal without notice would not be an appropriate or proportionate outcome.

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PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

IN THE MATTER OF:

**PC BILLY MANNING
And
PC FRANKIE JORDAN**

DECISION OF THE PANEL

Commander Andy Brittain (Chair), Purnima Uppal (Independent Panel Member) and Mark Dent (Independent Panel Member).

INTRODUCTION

The misconduct hearing for PC Billy Manning (The Officer) was held in public between 17-24 November 2025 at Empress State Building, London. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 (“the 2020 Regulations”).

THE ALLEGATIONS

The Panel was referred to a Regulation 30 notice in respect of the Officer containing the allegations and that his conduct amounted to gross misconduct:

CASE 1

1. On 27th September 2021, whilst on duty with a colleague, PC Malik, you attended the premises of an assisted residence for elderly people in Dalston, Hackney in London. At those premises you observed a deceased resident whose body was in an advanced state of decomposition, due to him having died

some days or weeks earlier.

2. Whilst you were at those premises body worn footage was captured and you used a mobile phone to take photographs of the deceased.

3. The images taken on the phone were subsequently retained on your mobile phone.

4. On 17th February 2022 you showed other officers one or more images on your mobile phone of the deceased resident from Dalston, Hackney, whose premises you had attended in September 2021.

5. N/A

6. Your actions, in so showing the image(s) of the deceased on your mobile phone were

- a. Unnecessary, in that they were not for a policing purpose, and since the officers to whom you showed the image(s) were not involved in the case;
- b. Inappropriate, in that your purpose in showing the image(s) was to “show off” to colleagues; and
- c. Grossly disrespectful to the memory of the deceased, in that you failed to treat his death and body with a proper level of respect and dignity.

7. You failed to follow the MetSec Code of the Metropolitan Police Service with regard to the capturing, storage, security and retention of data and evidential material.

- a. In respect of the death as set out in paragraphs 1 to 4 above;
- b. Generally, in that you used your mobile phone to capture and/or to retain images which were required for a policing purpose, and relating to the following dates;
 - i. 20th July 2020;
 - ii. 30th May 2021;
 - iii. 24th July 2021;

- iv. 19th September 2021;
- v. 8th October 2021;
- vi. 10th October 2021;
- vii. 2nd November 2021.

8. You further failed to follow the Metropolitan Police Service Death Investigation Policy in respect of the death as set out in paragraphs 1 to 3 above, and you failed to follow the ICEFLO policy of the Metropolitan Police Service concerning the equipment to be used to take images.

9. You had been issued with a Metropolitan Police Service tablet prior to the dates set out above.

Allegation 1

10. Your actions, as set out in paragraphs 1 to 8 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, whether on or off duty.

Allegation 2

11. Your action, in showing one or more images of the deceased man to other officers, as set out in paragraphs 4 and 6 above, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 3

12. Your action, in showing one or more images of the deceased man to other officers, as set out in paragraphs 4 and 6 above, and also in respect of the matters

set out in paragraph 7 above, breached the Standard of Professional Behaviour of Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Allegation 5

13. Your actions, as set out in paragraphs 1 to 4 and 6 to 8 above, breached the Standard of Professional Behaviour of Duties and Responsibilities: Police officers are diligent in the exercise of their duties and responsibilities.

Allegation 6

14. Your actions, as set out in paragraphs 1 to 4 and 6 to 8 above, breached the Standard of Professional Behaviour of Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders.

CASE 2

15. You and other officers were members of a WhatsApp group “Away Days” on which messages were shared and exchanged.

16. You contributed to the messaging, and or failed to challenge messaging, that was sexist, homophobic, ableist and/or transphobic in relation to the following dates:

- a. 16th November 2021;
- b. 20th December 2021;
- c. 23rd December 2021;
- d. 4th February 2022, following an email to every Metropolitan Police officer from the then Commissioner of Police for the Metropolis, Cressida Dick, “Enough is enough”

Allegation 7

17. Your actions, in sending messages to other officers and contributing to such online conversations, 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, whether on or off duty.

Allegation 8

18. Your actions, in sending messages to other officers and contributing to such online conversations, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 9

19. Your failure to challenge such sexist, homophobic, ableist or transphobic comments by other officers breached the Standard of Professional Behaviour of Challenging and Reporting Improper Conduct: Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour. And take notice that the allegations set out in Case 1 above (in paragraphs 1 to 14 above) individually and collectively amount to gross misconduct and are so serious as to justify dismissal.

The allegations set out in Case 2 (in paragraphs 15 to 19 above) amount to misconduct and are so serious as to justify disciplinary action.

Taken as a whole, the matters set out in both Case 1 and Case 2 amount to gross misconduct and are so serious as to justify dismissal.

REPRESENTATION

The Appropriate Authority (“the AA”) was represented by Giles Bedloe of counsel. PC Manning was represented by Kevin Baumber of counsel and PC Frankie Jordan was represented by Luke Ponte of counsel.

The Panel thanks the representatives for their assistance throughout the case, including the provision of the AA's opening note.

The Panel was assisted by Maurice Cohen, Legally Qualified Person.

REGULATION 30 NOTICE

On the first morning of the hearing the Regulation 30 Notice, as set out above, was read out. The notice was read out by AA counsel and entered into evidence. The panel noted that the allegations in CASE 1 had been determined individually and collectively to amount to gross misconduct and are so serious to justify dismissal. In relation to CASE 2 the AA had determined that the allegations amount to misconduct and are so serious as to amount to disciplinary action. Taken as a whole, the matters set out in both Case 1 and Case 2 amount to gross misconduct and are so serious as to justify dismissal.

PC Manning admitted in his regulation 31 response that the standards of professional behaviour were breached, but denied misconduct had occurred.

THE PANEL'S APPROACH

The Panel reminded itself it was: -

- a. Required to consider the facts of the case and to make its findings of fact in relation to the allegation;
- b. To determine whether those findings of fact found constitute a breach of the relevant standards;
- c. To determine whether the conduct found proven against the Complainant amounted to misconduct or gross misconduct.

The Panel reminded itself that the burden of proof is on the AA throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'. The Panel approached its decision-making by keeping in mind the purpose of

police misconduct proceedings. The primary purpose is not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A second purpose is to declare high professional standards and the third purpose is to protect the public, which includes fellow officers and police staff, by preventing similar misconduct recurring in the future.

The Panel had regard to Bolton v Law Society [1993] EWCA Civ 32; Chief Constable of Dorset v PAT, Salter Interested Party [2011] EWHC 3366 (Admin) and R (Williams) v PAT [2016] EWHC 2708 (Admin).

The Panel also had regard to the following regulations and guidance:

- a. The Police (Conduct) Regulations 2020 (amended) (the “Regulations”), including the Standards of Professional Behaviour at Schedule 2;
- b. Home Office Guidance: Police Officer Misconduct... (2018) (“HOG”), including Chapter 1, Guidance on Standards of Professional Behaviour;
- c. The definition of misconduct given at regulation 2(1) of the Regulations: “a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action”;
- d. The definition of gross misconduct given at regulation 2(1) of the Regulations: “a breach of the Standards of Professional Behaviour that is so serious to justify dismissal” and e, the College of Policing Guidance on Outcomes in Police Misconduct Proceedings (2023).

The Panel listened carefully to the oral evidence and carefully considered all other evidence before it. It considered the totality of the evidence and submissions made. The Panel does not propose to deal with each and every aspect of the evidence or submissions made, but states its main conclusions. The Panel heard submissions from both parties and received legal advice from the Legally Qualified Advisor.

EVIDENCE

The Panel was provided with the following documents:

Regulation 30 Bundles entitled Operation Regnitz Strand 1 and 2 comprising of 709 and 603 pages, comprising, inter alia, the Regulation 30 allegations, IOPC Reports, PC Manning's Regulation 31 response, MG14 response to caution (prepared statement), various witness statements, ROTIs (x2), training record, mobile telephone extracts, email chains and policy documents.

THE BACKGROUND

PC Manning has been a serving Metropolitan Police officer since 2019 having earlier been a Special Constable in the City of London Police. Since qualifying, he has served on the Response Team at Stoke Newington Police Station.

On 27 September 2021, PC Manning attended a sudden-death incident at an assisted living residents for elderly persons in Dalston together with PC Zak Malik. They encountered a deceased resident whose body was in a bad state of decomposition.

The attendance was recorded on PC Manning's BWV (Body Worn Video) footage. In order to complete the MPS Death Investigation Pack for HM Coroner (sudden-death pack).

PC Malik used his personal mobile phone to take photographs of the deceased; these were sent to PC Manning via WhatsApp in order reduce their size so they could be uploaded onto the MPS system. Subsequently PC Manning deleted the photos from his iPhone library but neglected to delete the photos from his WhatsApp thread where they were also stored.

On 17 February 2022, PC Manning attended a three-day Taser training course at Shoreditch police station. During a break, 5 of the course attendees including PC Manning, PC Ashleigh Ward, PC Abby Todd-Weller and PC Jonathan Hall, gathered in the smoking area. There was a discussion concerning difficult situations and sudden deaths, particularly those with a body had lain

undiscovered for a while. PC Hall recalled that PC Manning told the group that he had been to a sudden-death which involved a man who had lain undiscovered for a significant period of time. PC Manning is said to have indicated that he had a picture of the body on his phone, which he proceeded to briefly show to some of the persons present.

Two of the attendees felt very uncomfortable by PC Manning's actions and his possession of these photographs and subsequently reported it to senior officers. PC Manning was arrested on 18 February 2022. He indicated that it was common practice to use personal mobile phones in order to take photographic evidence at the scenes of crimes and to delete them subsequently once uploaded, but he had forgotten to do so on this occasion.

PC Manning's telephone was seized and the contents downloaded and analysed following his arrest. A number of other pictures relating to victims, suspects and evidence were found on his phone.

Additionally, it was discovered that PC Manning was the creator and a contributor of a WhatsApp group entitled "Away Days" which contained messages which were deemed to be sexist, homophobic, ableist and/or trans-phobic in content.

All officers involved in the group were investigated and the 2nd subject officer, PC Jordan was also subject to a criminal investigation. Criminal charges were not pursued, but the investigation led to the current misconduct proceedings against both subject officers jointly pursued by the Appropriate Authority and the IOPC.

PC Todd-Weller indicated that PC Manning said words to the effect that, "I've been to a bad one, I will show you the picture". She goes on to say that PC Manning spent approximately one minute on his phone and then brought the attention of a few of them to his phone by pointing his screen towards them. He then started describing the body in detail whilst showing the picture of the deceased man. PC Todd-Weller indicated that she realised immediately that this was inappropriate and

challenged him saying, “you can’t have something like that on your phone, you need to delete that now”. In her recollection, PC Manning agreed with her.

In his witness statement, PC Hall recalled PC Manning said something like he had a picture of the decomposed body of WhatsApp on his phone and that he turned to show people directly next to him the image, but that he did not see either the image. PC Hall indicated that he also advised PC Manning that he should not have photos like that on his phone. He then moved off since he was not comfortable with the type of conversation or officers who boasted about jobs that they had attended. He subsequently kept his distance from PC Manning.

PC Ward in her evidence in her panel also recollected PC Manning describing the body from his phone and then showing photographs from the same. PC Ward was able to identify from the photographs that the man had been deceased for a long period of time. He appeared bloated, was lying on his back and was a reddish/purplish colour.

Following the above, PC Ward reported PC Manning’s actions when she returned to her home station that day, informing her supervisor PS Anthony Dear immediately. He reported the matter to the Professional Standards Unit.

PC Malik in his witness statement indicates that he attended the sudden-death incident in question with PC Manning. Sometime after the incident, on 12 October 2021, he realised that despite having deleted the photographs taken on his phone and sent via WhatsApp to PC Manning for uploading purposes, that he had failed to delete them from his WhatsApp messages. He did so and sent an appropriate message to PC Manning. The panel have had sight of the WhatsApp exchange to which PC Manning responded with 3 laughing face emojis.

PC Manning was interviewed under caution on 18 February 2022. He stated that when he had the conversation with his colleagues at the Taser training, he had a concern that the photographs of the deceased might still be on his phone. He went to the WhatsApp chat between himself and PC Malik and realised that the photos hadn’t deleted from his phone and deleted the whole chat. He indicated that he did

not believe that he had shown the photo to others present.

He stated that he and colleagues routinely took photos of evidence on their personal mobile phones and sent them to colleagues via WhatsApp to compress them so that they could be emailed to their MPS email accounts and subsequently uploaded onto the MPS system. He had not used his MPS-issue tablet because they were sub-standard. They would not be acceptable for the Coroner to be included in a sudden-death pack. He apologised for having retained the photo on his phone.

Following the above, Chief Inspector Dominic Nye and Detective Superintendent Rutland briefed PC Manning's B response team colleagues to advise them that their practice of using their personal mobile phones for policing purposes was not in line with policy. Following this briefing, officers came forward to report that they had also taken photos on their personal phones during policing duties and some had been retained. One such officer, was PC Benj Else, who advised that he had attended another sudden-death with PC Manning in September 2021 and that PC Manning had sent him photos of the dead body via WhatsApp for the sudden-death pack. PC Else had deleted photos from his phone after using them for their intended purpose.

The panel were provided with statements and emails from senior officers at Central East BCU, concerning the use of mobile phones for obtaining evidence and the policies in relation to their use.

Chief Inspector Leanne Alleyne indicates that following PC Manning's arrest, the issue of officers using their personal mobile phones for a policing purpose was discussed at the SLT meeting on 21 February 2022. DCI Az Odabashian initially indicated that officers could use their personal mobile phones in exceptional circumstances for example where an ICEFLO camera could not be obtained and evidence would otherwise be lost. An email to this effect was sent to the team. It was indicated that images should be deleted from the personal device as soon as possible. Subsequently, with reference to guidance and liaison with DPS, revised guidance was sent to the team to advise that mobile telephone should never be

used for a policing purpose. Chief Inspector Nye indicated that as far as he was concerned and according to his training, personal mobile devices should never be used in order to capture and upload evidence. He became aware that it was a practice that some officers engaged in. Following meetings and discussions the team were advised that they should never follow this practice. He was aware that there was MPS General Investigations Policy that allowed in certain circumstances for officers to use their own devices to prevent evidence being lost, with the subsequent rapid deletion of the same. There was a social media Policy that stated officers should not use their own device to transfer work-related matters.

The emails and live evidence of CI Nye and CI Allyene were evidence of confused and conflicting guidelines that even within the Senior Leadership Team (SLT) were interpreted differently. Ultimately after much debate the BCU Commander implemented a local policy banning their use with immediate effect.

PC Adam Tomala in evidence to the panel indicated that he was also attached to Stoke Newington Police Station. He attended a sudden-death with PC Manning. The matter would have been recorded on his BWV. He could not recall who took photos on their private devices. He never did utilise WhatsApp in order to upload them. He would delete them from his private device as soon as they were safely emailed to his MPS account. Private devices were routinely used by officers in order to photograph evidence to be uploaded onto the system although it should always be deleted as soon as possible.

PC Manning submitted a prepared statement in respect of his 2nd interview under caution dated 27 October 2022. He indicated that he had no clear recollection of being trained on the relevant policies that he was said to have breached. He was aware of the METSEC code and of the Data Protection Act but had no detailed training in respect of the same. On-the-job training from colleagues routinely indicated that MPS issued equipment was poor and that personal mobile phones should be used in order to photograph evidence. Such photos were frequently too large to be sent to their MPS email addresses for uploading onto the system and the workaround was to WhatsApp the image to a colleague which compressed it. It

can then be returned by email, sent to the MPS email address and uploaded accordingly.

The process compressed the image. He denied retaining the images on his phone. He forgot that they were there. It was only when he was on the Taser course that the conversation prompted him to look for the image and see if it was still there. He did not deliberately seek to show the image to colleagues present, but they may have seen it unwittingly.

He was devastated to be arrested. The sudden-death scene that he attended was horrendous and not one that he would wish to relive by retaining the images. Other images were retained on his phone in error in oversight as he had forgotten to delete them. He took and sent photographs of an alleged perpetrator of a sexual assault as he believed it was required by CID or PC Jordan in order to ensure that the suspect matched the description given by the victim.

In respect of Strand 2, PC Manning concedes that some aspects of the messages including images and comments contained therein were objectionable and in poor taste. It was a private group and the comments therein were not intended for others to view or to offend. They were jokes and banter within the group, but he concedes that they were entirely inappropriate and that he should not have engaged with them and that they could cause offence.

PC Else and PC Malik were not called to give evidence before the panel. Their witness statements were admitted into evidence unchallenged.

The panel were provided with additional material including an expert report in respect of the adequacy of tablets allocated to officers including PC Manning.

The Panel's Analysis of the Evidence

On Day 1 PC Ward, CI Alleyne, PC Tomala and CI Nye all gave evidence before the panel. On day 2, PC Todd-Weller and PC Hall gave evidence before the panel.

After analysing the evidence of all of the above witnesses, the Panel found that they had given measured, balanced and credible evidence. There was no indication that any had any "agenda" against PC Manning. Their evidence was considered to be largely consistent, with their previous evidence, predominantly set out in their witness statements.

In respect of the evidence of CI Alleyne and CI Nye it was clear that there was significant confusion initially, following the arrest of PC Manning concerning what was acceptable practice and/or dictated by policy in respect of officers utilising their personal mobile phones in order to photograph evidence for uploading onto the system. This led to multiple emails being sent to the team giving contradictory advice concerning whether mobile phones could ever be used in order to take photos of evidence.

In respect of the evidence given by PC Manning, the panel found his evidence concerning his omission to delete the sudden-death photos from his phone, despite the reminder from PC Malik to be unconvincing.

The panel accepted that it was fairly common practice for officers to use their personal mobile phones in order to take photographs of evidence. These would frequently be sent to colleagues on WhatsApp in order to compress them so that they could be sent as attachments in emails to their MPS email account and subsequently uploaded onto the system. They should have then immediately been deleted off the officers phone which was the norm. The panel accept that there may have been oversights in officers not realising that the photos were also captured on their WhatsApp reels, but as noted above, PC Manning was alerted to this by PC Malik but still failed to delete the same from his phone.

The panel did not accept PC Manning's blanket denial of recollection of any substantive training in respect of matters relating to image capture, correct procedures for recording evidence and data protection.

PC Manning accepted that messages on the WhatsApp group created by him were inappropriate and indicated that it was some time ago and that he now realises it was totally inappropriate and wrong. The panel finds from the tone of some of the messages, which indicated an awareness that if they were seen by DPS it would have consequences that the officers including PC Manning fully knew at the time that the messages were wrong, offensive and liable to cause offence but this did not stop them from sending and/or reacting to the same. PC Manning both participated in this manner and failed to challenge others when they did so.

Panel's views in respect of the application of misconduct / gross misconduct in respect of the allegations

During the course of its deliberations the panel had cause to re-visit the level at which Case 2 was to be assessed. The panel noted that as drafted it was said to amount to misconduct only, the panel had regard to appropriate case law including:

R v (on application of CC Derbyshire Constabulary) v Police Appeals Tribunal (Green and Stewart) [2012] EWHC 2280 (Admin)

The panel considered in respect of Case 2 that the allegations if found proved were so serious that they could amount to gross misconduct. In applying appropriate case law, the panel was mindful of the need to ensure that it proceeded in a fair and just manor.

With that in mind, the panel of its own volition have decided that it needed to adjourn firstly to enable Mr Ponte to consider this issue, take instructions and be in attendance and secondly for counsel to both officers to consider their position going forward and determine whether they wish to recall the officers to give further evidence or merely make submissions to the panel in the light of its decision.

Further Hearings

A hearing occurred involving the Chair, counsel for all parties and the LQA on 10 December 2025 by MS Teams. Counsel for the 2 subject officers confirmed that the panel had the ability indicated above to increase the potential level of severity. There was no objection in the circumstances to them doing so. It was agreed that discussions would take place post-hearing in order to attempt to set out a route map going forward.

Further to the above, the hearing resumed online, again by way of MS Teams attended by all parties on 5 February 2026. At this, counsel was invited to make any further submissions in respect of the issue of whether the allegations, if found proved, amounted to misconduct or gross misconduct. Mr Bedloe and Mr Baumber declined to make any further submissions.

Mr Ponte took the opportunity of making submissions on behalf of PC Jordan. He indicated that both the IOPC and AA had the opportunity to assess the seriousness of the allegations in respect of Strand 2 and found that it was appropriate to charge them at the level of misconduct rather than gross misconduct. Out of the various officers involved in the group, it was only PC's Manning and Jordan who were made subject to misconduct proceedings. Some of the postings made by PC Jordan were trivial in nature. PC Jordan had a difficult upbringing and tended to deal with stressful circumstances by utilising humour. There was a disconnect between his online postings and real-world actions. He and other officers volunteered to the sergeant that they were part of the WhatsApp group. In all of the circumstances, Mr Ponte submitted that the assessment undertaken by the IOPC and AA was correct and that the admitted allegations amounted to misconduct rather than gross misconduct.

The panel retired and all parties agreed to resume the hearing at 5 PM on 19 February 2026 at Palestra House.

Findings of Fact

Case 1

1. Statement of fact.
2. Statement of fact.
3. Statement of fact and admitted.
4. The panel prefer the evidence of PC Ward and PC Todd-Weller who indicated that PC Manning described to them what was shown in the photograph and then showed his phone with the photograph on it to them for up to 15 seconds. The time in which it was shown to them was sufficient to enable PC Ward to describe the contents of the photo in detail. The panel rejects the evidence of PC Manning that it was inadvertent, whilst he was looking at the image himself and for a matter of a few seconds. The panel find this allegation proved.
5. N/A
6. (a;b;c) – As set out in the Regulation 30 notice. In the light of its findings above and panel analysis, the panel find these allegations proved.
7. (a;b i-vii) As set out in the Regulation 30 notice. The panel finds these allegations are admitted and proven by the panel.
8. The panel find this allegation proved.
9. Statement of fact.

Breaches of Standards of Professional

Behaviour Allegation 1

10. The panel finds that PC Manning's actions found proved above clearly 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, whether on or off duty.

Allegation 2

11. The panel find the PC Manning's action, in showing one or more images of the deceased man to other officers, as set out in paragraphs 4 and 6 above, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 3

The panel find the PC Manning's actions, in showing one or more images of the deceased man to other officers, as set out in paragraphs 4 and 6 above, and also in respect of the matters set out in paragraph 7 above, breached the Standard of Professional Behaviour of Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties.

12. N/A

Allegation 5

13. The panel find PC Manning's actions, as set out in paragraphs 1 to 4 and 6 to 8 above, breached the Standard of Professional Behaviour of Duties and Responsibilities: Police officers are diligent in the exercise of their duties and responsibilities.

Allegation 6

14. Finally, the panel find that PC Manning's actions, as set out in paragraphs 1 to 4 and 6 to 8 above, breached the Standard of Professional Behaviour of Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders.

CASE 2

15. Statement of fact.

16. (a;b;c and d) - Admitted and found proved.

Allegation 7

17. PC Manning's actions, in sending messages to other officers and contributing to such online conversations, 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, whether on or off duty. Whilst the panel noted the PC Manning was not a primary contributor of the offensive material contained within the WhatsApp group, he nonetheless posted one homophobic message and engaged with others.

Allegation 8

18. PC Manning's actions, in sending messages to other officers and contributing to such online conversations, breached the Standard of Professional Behaviour of Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Allegation 9

19. PC Manning's failure to challenge such sexist, homophobic, ableist or transphobic comments by other officers breached the Standard of Professional Behaviour of Challenging and Reporting Improper Conduct: Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

The Panel's Decision on Misconduct/Gross Misconduct

The Panel next considered whether the allegations found proved amount to misconduct or gross misconduct.

In making this assessment, the Panel had regard to the College of Policing Guidance on outcomes in police misconduct proceedings (2023). Thus, the Panel assessed the seriousness of the proven conduct by analysing PC Manning's culpability for that conduct and the harm caused by that conduct.

The panel go on to consider seriousness. It notes that case 2 is said to amount to misconduct whereas case 1 is stated to amount to gross misconduct.

Culpability

In respect of taking photographs of evidence on his mobile phone and on mobile phones of others and exchanging those images via WhatsApp with colleagues prior to them being uploaded onto the system, the panel acknowledges the evidence of PC Manning, PC Jordan and witnesses including PC Tomala and CI Alleyne, but this was common practice amongst PC Manning's team. The panel accepts the evidence of PC Manning that he learnt to follow this practice by way of example from those with more experience than him when he joined the team. The panel notes that even amongst the team leadership there was a huge amount of confusion, once this issue was highlighted as to whether it was permissible or not leading to confusing emails and retractions. The wording of the METSEC Code and ICEFLOW are somewhat contradictory and confusing. Other policies appear to have been in place permitting the practice in the past. In the light of these factors, the panel does not find that PC Manning's actions in using his mobile phone and that of others in order to capture evidence is of the greatest seriousness. It finds that there is significant mitigation relating to his actions.

However, PC Manning's failure to delete the images from his phone is of more significance. The panel acknowledges that PC Manning and others, including PC Malik, may have failed to realise that the images were contained on their

WhatsApp chat and needed to be separately deleted. However, once PC Manning was alerted to this by PC Malik, his priority should have been deleting the images in question expeditiously. He responded with 3 laughing face emojis and then failed to ensure that he deleted the images from his own mobile phone.

PC Manning was solely responsible for his own actions, save for the fact that he was following the example of more experienced officers in using his own mobile phone and that of others to capture evidence and utilising WhatsApp in order to compress images before emailing them to his MPS account.

In respect of data protection breaches, the panel notes from the college of policing guidance on outcomes that the only factor that would support a more serious outcome was the fact that the breach related to personal privacy with the data was very sensitive.

Harm

The panel note in respect of harm that the main harm concerned was reputational harm although the officers who viewed the images could have suffered emotional or psychological harm.

The images taken with regard to the allegations in case 1 were for a policing purpose.

The panel considers that the public would be shocked and alarmed if they knew the context in which the images taken by PC Manning were stored on his personal device.

The panel note that it is alleged by the Appropriate Authority that PC Manning's contributions to and participation in the Awayday WhatsApp group amounts to misconduct. Nevertheless, the panel find his posts to be potentially offensive to groups in society including but not limited to homosexual men. The public would be concerned to learn that a serving officer with the MPS was sending such messages.

In the light of the factors noted above, the panel finds that PC Manning's actions and breaches of the code of conduct in respect of Case 1 are not of such seriousness that they could lead to his dismissal. They are reprehensible, but the panel find that there is significant mitigation for his conduct and accept that many of the images retained on his phone were there due to oversight rather than a deliberate act. In the light of its findings above, the panel find that PC Manning's actions in respect of the allegations found proved relating to Case 2 also amount to misconduct.

Outcome

In considering outcome the Panel has taken account of the College of Policing Guidance on outcomes in police misconduct proceedings (2023). The Panel has borne in mind that the purpose of police misconduct proceedings is threefold:

- To maintain public confidence in and the reputation of the police service.
- To uphold high standards in policing and deter misconduct.
- To protect the public.

The panel heard submissions from counsel for the AA and for the officer and had advice from the Legally Qualified Adviser. It was not persuaded in this case that the separate allegations found proved at the level of misconduct, should be regarded as amounting to gross misconduct in the light of its findings above.

The Panel assessed the seriousness of the allegations found proved. In respect of taking sensitive photographs on his personal mobile phone and distributing them and/or showing them to others, the panel notes that this was a widespread practice amongst PC Manning's team and that there was considerable confusion concerning the applicable rules and procedure. The panel consider that there was significant mitigation in respect of this allegation found proved. It is not considered in the circumstances to be particularly serious in nature. In respect of his involvement in the WhatsApp group, PC Manning's messages were limited in nature and whilst reprehensible, the panel noted PC Manning's demonstration of insight, mediation repudiation and regret and steps taken by him, referred to below which have the effect of reducing the seriousness of this offence and of his failure

to challenge others in respect of their postings.

Culpability

In respect of taking photographs of evidence on his mobile phone and on mobile phones of others and exchanging those images via WhatsApp with colleagues prior to them being uploaded onto the system, the panel acknowledges the evidence of PC Manning, PC Jordan and witnesses including PC Tomala and CI Alleyne, but this was common practice amongst PC Manning's team. The panel accepts the evidence of PC Manning that he learnt to follow this practice by way of example from those with more experience than him when he joined the team. The panel notes that even amongst the team leadership there was a huge amount of confusion, once this issue was highlighted as to whether it was permissible or not leading to confusing emails and retractions. The wording of the METSEC Code and ICEFLOW are somewhat contradictory and confusing. Other policies appear to have been in place permitting the practice in the past. In the light of these factors, the panel does not find that PC Manning's actions in using his mobile phone and that of others in order to capture evidence is of the greatest seriousness. It finds that there is significant mitigation relating to his actions.

However, PC Manning's failure to delete the images from his phone is of more significance. The panel acknowledges that PC Manning and others, including PC Malik, may have failed to realise that the images were contained on their WhatsApp chat and needed to be separately deleted. However, once PC Manning was alerted to this by PC Malik, his priority should have been deleting the images in question expeditiously. He responded with 3 laughing face emojis and then failed to ensure that he deleted the images from his own mobile phone.

PC Manning was solely responsible for his own actions, save for the fact that he was following the example of more experienced officers in using his own mobile phone and that of others to capture evidence and utilising WhatsApp in order to compress images before emailing them to his MPS account.

In respect of data protection breaches, the panel notes from the college of

policing guidance on outcomes that the only factor that would support a more serious outcome was the fact that the breach related to personal privacy with the data was very sensitive.

Harm

In considering harm, the panel notes that the primary potential harm arising from the matters proved is reputational harm to the Metropolitan Police Service. There is no evidence before the panel of any actual emotional or psychological harm having been suffered by those who viewed the images or messages, and the panel's assessment of harm is therefore limited to potential rather than realised impact.

The panel notes that the images were taken for a legitimate policing purpose. At the time, officers had not been issued with corporate mobile phones and the MPS tablets available were not capable of taking satisfactory photographs. While the use of a personal device was not ideal, the panel accepts that this occurred in an operational context rather than for any improper purpose.

In relation to public confidence, the panel accepts that members of the public would reasonably expect policing material to be stored securely and appropriately. However, the panel also takes into account the operational context at the time and the absence of any evidence that the images were shared beyond those involved in the policing activity.

Turning to the WhatsApp messages, it is alleged by the Appropriate Authority that PC Manning's participation in the Awayday WhatsApp group amounts to misconduct. The panel finds that a small number of messages were ill-judged and had the potential to cause offence. Some of the language used could reasonably be perceived as inappropriate and falling below the standards expected of a serving police officer.

The panel carefully considers the context in which the messages were sent. The messages were limited in nature, exchanged within a private forum, and not intended for a wider audience. The homophobic comments related to a colleague

who is not homosexual and who, on the evidence before the panel, does not appear to have been offended. While this does not excuse the conduct, it is relevant to the panel's assessment of the level of harm caused.

The panel therefore concludes that the harm arising from the WhatsApp messages is limited. There is no evidence of direct harm to members of the public or colleagues, and the risk to public confidence is assessed as low to moderate when viewed in light of the private nature of the forum, the absence of wider dissemination, and the isolated nature of the messages.

In relation to aggravating factors. The content of PC Manning's postings are homophobic and ableist in nature. It is not the language or type of messages that a serving Police Constable of the MPS officer should ever be engaged in using. The homophobic messages concerned a colleague, who is not homosexual and who appears not to have been offended by the messages. The messages were limited in nature and were in a private forum.

The panel notes from appropriate case law that personal mitigation is to have limited weight. Nonetheless in addressing mitigating factors the panel note that PC Manning did not intend for anyone else but members of the group to see or receive these messages. PC Manning accepts the potential impact and extremely hurtful nature of his postings and has demonstrated significant remorse. PC Manning made early admissions to the allegations and disclosed the WhatsApp group messages to investigating officers when arrested for the allegation solely relating to Strand 1. PC Manning has undertaken significant remedial work including attending two separate courses of CBT counselling. The panel further note that the allegations relate to events in 2020-2022 and from the references and testimonials it is noted that in the ensuing period PC Manning has continued to perform his duties to the highest standard. The panel notes from the character references/testimonials submitted that PC Manning is considered to be an excellent officer, demonstrating compassion and who has gone beyond the duties required of him.

The Panel considered the outcomes in ascending order of seriousness. The

outcome should be the least severe that adequately deals with the issues identified, while protecting the public interest. PC Manning has submitted a large number of glowing character reference reports from a number of officers of multiple ranks and is clearly an accomplished officer who appears to be dedicated and hardworking, he is highly commended in a number of difficult areas of policing many of which he has chosen to work within. He has clearly developed insight and has taken significant steps to address and remediate his offending behaviour.

In respect of sanction the panel acknowledging the mitigation found above and in particular the substantial extremely positive references and testimonials indicating that PC Manning is an otherwise outstanding officer who is highly respected by colleagues, find that public interest in this case would be served best by maintaining such an officer in his post, whilst marking the misconduct found proved and the panel in the circumstances find that the appropriate proportionate sanction is that of a final written warning for a period of two years. Dismissal without notice would not be an appropriate or proportionate outcome.