

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

BETWEEN

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

AND

FPC DANIEL SMITH

OFFICER CONCERNED

1. This hearing has been held between the 27 April 2026 and 29 April 2026 at Empress State Building, London. The Panel consisted of Commander Jason Prins (Chair), Miss Placida Ojinnaka and Miss Sara Nathan, Independent Panel Members. Miss Dale Simon was the Legally Qualified Advisor to the Panel.
2. The Appropriate Authority (the AA) was represented by Mr Anthony Bartholomeusz and the officer concerned was initially represented by Mr Guy Ladenburg and then latterly by his Police Federation Representative, DC Nick Davidson.

PRELIMINARY ISSUES

3. A preliminary direction was made prior to the hearing to impose publication restrictions in respect of any matter that might identify the complainant and her children, including her name, the officer's name, the names of any children and the address where the complainant and the officer resided during their relationship. The following ciphers were also agreed, the complainant (Miss A), FPC Smith (Officer X), and Child 1. Miss A was also granted the special measure of using screens when she gave her evidence, to help her to provide her best evidence.

4. On the morning of 27 April 2026, the panel was informed that FPC Smith had retired from the Metropolitan Police and that his last day of service was the 26 April 2026. Therefore, FPC Smith is a former police constable for the purpose of this hearing.
5. Prior to the commencement of the hearing, FPC Smith left the hearing centre. He informed his representative that he did not wish to take part in the proceedings, and he did not want any questions to be put to Miss A in cross examination. The panel was informed that his reason for leaving the hearing was that he did not wish to risk impacting his own mental health and he also did not wish to cause Miss A any further discomfort. He also wanted to end the collateral damage that the proceedings were having on their children. The panel was also informed that since retiring, FPC Smith had assumed employment that allowed him to support his son and which was not dependant on DBS clearance.
6. In light of FPC Smith's clear instructions that he did not want his counsel to put any questions to Miss A, Mr Ladenburg withdrew from the proceedings. FPC Smith's Police Federation Representative DC Nick Davidson remained in attendance.
7. Counsel for the AA made an application to proceed with the hearing in the absence of FPC Smith. The application was not opposed. In determining whether to proceed in the absence of FPC Smith, the panel had regard to the purpose of police misconduct hearings, the overall interests of justice and fairness to FPC Smith and the AA, the circumstances of the case, the submissions made by counsel for the AA and the legal advice from the LQA. The panel found that by leaving the hearing FPC Smith had clearly voluntarily absented himself; he had not asked for the case to be adjourned, and he had given clear instructions to his counsel that he did not want any questions put to Miss A in cross examination on his behalf. The Panel considered it unlikely that any adjournment would lead to FPC Smith's attendance. FPC Smith had also provided a full response to the allegations in his regulation 31 response. Therefore, the panel concluded that it was fair and appropriate to proceed with the hearing in his absence.

THE ALLEGATIONS

8. The allegations facing FPC Smith are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

Allegation 1

1. It is alleged that you, from 1 January 2012 to 27 December 2021, being in an intimate relationship with Miss A engaged in behaviour towards Miss A that was controlling or coercive, which had a serious effect on Miss A, namely that it caused Miss A serious alarm or distress which had a substantial adverse effect on Miss A's usual day-to-day activities and which you knew or ought to have known would have a serious effect upon Miss A.

2. Your behaviour which was coercive and controlling included:
 - (a) pressuring Miss A xx xxxxx xx xxxxxxxx ;

 - (b) prohibiting Miss A from attending social events without being accompanied by you or her brother;

 - (c) prohibiting Miss A from seeing her friends and family;

 - (d) prohibiting Miss A from staying overnight away from your house;

 - (e) requiring Miss A to account for her whereabouts;

 - (f) locking Miss A in or out of the house; and

 - (g) pressuring Miss A to have sex with you.

3. Your conduct constituted a breach of the Standards of Professional Behaviour, namely: **Discreditable Conduct.**

4. If proved, allegation 1 amounts to **gross misconduct.**

Allegation 2

5. It is alleged that you:

- (a) between 7 and 15 November 2022, sent Miss A messages in which
xxx xxxxxxxxxxx xx xxxxxx ;
- (b) on 12 November 2022 you approached Miss A, questioned her
about a relationship with another man and xxxxxxxx xx xxxxxx
xxxxxx ; and
- (c) on 14 November 2022 you invited Miss A to your house and, in the
context of xxxxxxxx xx xxxxxx xxxxxx , xxxxxxxx xxx x xxxx xxxxxx
xxxx xxx xxxxxx.
6. It is further alleged that your conduct as set out in the previous
paragraph was intended to secure that Miss A ceased her
relationship with another man and/or resumed a relationship with
you.
7. Your conduct constituted a breach of the Standards of Professional
Behaviour, namely: **Discreditable Conduct**.
8. If proved, allegation 2 amounts to **gross misconduct**.

Allegation 3

9. It is alleged that you:
- (a) on 2 December 2022 at Wealden Crematorium, Horam,
TN21 0FX you approached Miss A, gave her a hug and
asked her questions about her relationship with another
man;
- (b) sent Miss A a Christmas card; and
- (c) on 14 January 2023 in the vicinity of your home address
you spoke to Miss A about a dispute over her belongings.

10. It is further alleged that your conduct as set out in the previous paragraph was in breach of a condition of police bail that you were subject to from 16 November 2022 to 9 February 2023, namely, not to contact Miss A directly or indirectly save for third party contact in relation to child contact.

11. Your conduct constituted a breach of the Standards of Professional Behaviour, namely: **Discreditable Conduct**.

12. If proved, allegation 3 amounts to **gross misconduct**.

CASE SUMMARY

9. FPC Smith joined the Metropolitan Police on 5 May 1998. In 2012, FPC Smith began a relationship with the complainant, Miss A. Their relationship lasted some 10 years. Allegation 1 concerns the period from January 2012 to 27 December 2021, during which time FPC Smith is alleged to have subjected Miss A to coercive and controlling behaviour, as detailed in the allegation.

10. Allegation 2 concerns the period from 7 to 15 November 2022. It is alleged that FPC Smith xxxxxxxx xx xxxxx xxxxx with the intent to cause Miss A to cease her relationship with another man and resume her relationship with him. It is alleged that this behaviour amounted to emotional abuse that would be considered “deplorable” by fellow police officers.

11. Allegation 3 concerns the period from 2 December 2022 to 14 January 2023. It is alleged that FPC Smith contacted Miss A in breach of his bail condition not to contact her, save for contact via a third party in respect of child contact arrangements.

12. It is alleged that each allegation breaches the Standards of Professional Behaviour in respect of discreditable conduct and amounts individually and collectively to gross misconduct.

13. FPC Smith denies that any of his conduct has breached the standards of professional behaviour alleged. He states in his regulation 31 response that Miss A xxx xxxxxx xxx xx xxxxxx xxxxxx xxxxx xxxxx xxxxx xxxxx xxx xxx xxx has made previous allegations of abuse against him and a former partner.

EVIDENCE

14. In advance of this hearing the Panel was supplied with the documents in accordance with the Police (Conduct) Regulations 2020, which included a copy of the papers served on FPC Smith in accordance with Regulation 30 and FPC Smith's response to the AA under Regulation 31. In determining the facts in this case, the Panel had regard to:

- All documents and materials in the hearing bundle, the Regulation 30 notice and Regulation 31 response whether they were explicitly referred to or not during the hearing.
- The oral evidence of Miss A.
- The submissions made on behalf of the AA and FPC Smith.
- The legal advice provided by the LQA

THE PANEL'S APPROACH

15. In considering the facts, the Panel was aware that the burden of proof is on the AA and the standard of proof is the balance of probabilities. In line with the principle derived from *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*, the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.

16. The Panel was also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence and that their veracity should be tested by reference to objective facts proved independently of their evidence, in particular by reference to the documents in the case. The Panel has also reminded itself that it should make a rounded assessment of a witness's reliability, rather than approaching their reliability in respect of each charge in isolation from the others: *R (on the application of Dutta) v GMC [2020] EWHC 1974 (Admin)*.

FINDINGS OF FACT

Allegation 1

17. The panel considered each specified allegation of coercive and controlling behaviour in allegation 1.2 in turn and then considered whether any of the allegations found proved, either individually or collectively, amounted to coercive and controlling behaviour as alleged in allegation 1.1. The panel found all of the allegations of fact specified in allegation 1.2 proved on the balance of probabilities for the reasons detailed below.

18. The AA relies primarily on the evidence of Miss A to prove the allegations of fact against FPC Smith. Although Miss A had been granted special measures to give her evidence behind screens, she gave her evidence without the use of screens, as FPC Smith was not present during the hearing. In oral evidence, Miss A adopted her statements dated 21 October 2023 and 14 May 2024 and the transcript of her video interview as her evidence.

19. Miss A stated that she was still living with the stress of her relationship with FPC Smith, he had poisoned the mind of Child 1 against her and as such she wanted the restrictions on the publication of his name removed. Her reason for this request was so that everyone would know how he had treated her. She was asked by the panel whether she understood that publication of FPC Smith's name could lead to her identification, and that of her son. She confirmed that she did. The panel found that the evidence in her statements and video recorded interview was consistent. The panel therefore determined that she was a credible and reliable witness.

Allegation of fact 1.2 (a) xxxxxxx xxx x xx xxx xx xxxxx :

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Allegation of fact 1.2(b) prohibiting Miss A from attending social events without being accompanied by you or her brother.

20. The AA relies on the evidence of Miss A and Miss B to prove this allegation of fact. In her statement dated 21 October 2023, Miss A states that she would only be allowed to attend social events under his terms, namely if “*he or my brother acted as chaperone*”.

21. In a statement dated 17 October 2023, Miss B states that she XXXX XXXXXXX XXXXX XXXX X XXX XXXX. At the time of making her statement she had known Miss A for around 6 years and they had become friends. She states that when she arranged social events with Miss A and other friends Miss A would agree but then “*at the last minute make an excuse not to attend*”. Miss B also states that after knowing Miss A for a few years, Miss A confided in her and told her that the reason why she would suddenly decline invitations to social events was because, if she ever went out with other people, FPC Smith would accuse her of being unfaithful, or would constantly check where she was.

22. FPC Smith denies this allegation of fact, in his regulation 31 response he states:

“The officer denies this allegation. The officer was twelve years older than Miss A, who often wanted to go out with her own circle of friends, which she did. Occasionally the officer suggested that he would like to go out with her more, which caused some friction, but these were mutual disagreements in the context of a long-term relationship which involved a number of young children. The panel will further note that in 2018 Miss A described her difficulties in socialising in her appeal for a PIP, which arose from her various

conditions and had nothing to do with the officer.”

23. The panel found that Miss A’s account was partially corroborated by the evidence of Miss B. The panel therefore found this allegation of fact proved on the balance of probabilities.

Allegation of fact 1.2(c) prohibiting Miss A from seeing her friends and family.

24. The AA relies primarily on the evidence of Miss A and the evidence of Miss B to prove this allegation of fact. Miss A states that FPC Smith was quite controlling of who she could see and would not allow her to see friends and family. He would say that she could only go out with a particular friend of his and his wife.

25. FPC Smith denies this allegation and states that it was Miss A who caused difficulties with the relationship with his own family.

26. The panel found that Miss B’s evidence referred to above also partially corroborates Miss A’s account of FPC Smith controlling who Miss A could see. The panel, therefore, preferred Miss A’s account over that of FPC Smith and found this allegation of fact proved on the balance of probabilities.

Allegation of fact 1.2(d) prohibiting Miss A from staying overnight away from your house.

27. The AA relies on the evidence of Miss A to prove this allegation of fact. During interview Miss A states:

“But little things like started happening then like I couldn’t go to my friend’s hen do down in Brighton because he, he didn’t trust me going like he said he trusted me but he didn’t trust other men, and things like that. Erm, cos he was very insecure, erm, because I’m obviously 12 years younger than him, erm, and because he cheated on his wife twice he thought that I would cheat on him. Erm, and so the only way I was allowed to go, erm, was to my brother to sort of pick me up and take me Brighton and then drop me back in Kent, so that’s

what happened cos I wasn't allowed to stay out overnight."

28. FPC Smith denies this allegation. His regulation 31 response states that he does not remember any particular occasion when Miss A wanted to spend time away from the family. He states that given the demands of family, working life and Miss A's health difficulties, it was difficult to get away.
29. The panel noted the numerous messages from FPC Smith to Miss A asking her to confirm where she was and who she had been with and found that these messages tended to support Miss A's description of FPC Smith not trusting her and being insecure. The panel, therefore, preferred the evidence of Miss A over that of FPC Smith and found this allegation of fact proved on the balance of probabilities.

Allegation of fact 1.2(e) requiring Miss A to account for her whereabouts;

30. The AA relies on the evidence of Miss A to prove this allegation of fact. In interview Miss A states:
"...if I was late home or something there's be like oh where you been sort of thing. If I'd gone to the gym it would be like why you going to the gym, erm, are there other men there, cos obviously I worked in a prison so its very male heavy."
31. The Panel note that within the WhatsApp messages, Miss A sent a photo from her cousin's house to FPC Smith to demonstrate she was where she said she was. FPC Smith accepts that he did occasionally ask Miss A if she was where she said she was, but he maintains that this was not unreasonable in the circumstances and does not amount to a breach of professional standards. FPC Smith states that when he was looking after the children and they wanted to video call Miss A before they went to bed, she was "unavailable" which caused FPC Smith to believe that she was lying about her whereabouts.
32. Having already found that many of the messages between Miss A and FPC Smith tended to support Miss A's description of FPC Smith's behaviour, the

panel preferred the evidence of Miss A over FPC Smith and found this allegation of fact proved on the balance of probabilities.

Allegation of fact 1.2(f) locking Miss A in or out of the house.

33. The AA relies on the evidence of Miss A and Miss B to prove this allegation. In interview Miss A states that if she wasn't back home by 9 or 10, FPC Smith would lock her out of the house : *"because he had to get up early for work and he couldn't sleep without me there so it was selfish of me if I didn't come back by that time"*.

34. Miss B states:

"I also remember an occasion where I heard a lot of door banging, shouting, and crying. I did not think much of it as we live in an area where there is a lot of neighbourhood noise. However, around 10 days later, Miss A told me that FPC Smith had locked her out of the house and she was trying to get in. I then realised that this was what the noise had been. Miss A told me that there were several occasions where FPC Smith would either lock her out,.."

35. FPC Smith denies ever locking Miss A out of the house and asserts that the allegation is simply untrue.

36. The panel found that the evidence of Miss B partially corroborates the evidence of Miss A, therefore, the panel preferred the evidence of Miss A over that of FPC Smith and found this allegation of fact proved on the balance of probabilities.

Allegation of fact 1.2(g) pressuring Miss A to have sex with you.

37. The AA relies on the evidence of Miss A to prove this allegation of fact. The allegation is denied by FPC Smith, his regulation 31 response states:

"The officer never exerted any pressure on Miss A to have sex. As in any relationship, different people instigated sex on different occasions, with a varying degree of enthusiasm and forbearance on each side. Screenshot

160219, attached, is evidence of Miss A “coming onto” the officer even after she had left the relationship”.

38. The panel found that Miss A provides evidence of FPC Smith putting pressure on her to have sex, such as the occasion of the officer’s 50th birthday, the evidence that he called Miss A “frigid” when she was unenthusiastic, and her evidence that FPC Smith “sulked” when she did not agree to intercourse. The panel concluded that this did amount to pressure and find this allegation proved.

Allegation of fact 1.1, from 1 January 2012 to 27 December 2021, being in an intimate relationship with Miss A, engaged in behaviour towards Miss A that was controlling or coercive, which had a serious effect on Miss A, namely that it caused Miss A serious alarm or distress which had a substantial adverse effect on Miss A’s usual day-to-day activities and which you knew or ought to have known would have a serious effect upon Miss A.

39. In determining whether FPC Smith had engaged in coercive and controlling behaviour towards Miss A, the panel reminded itself that while the behaviour alleged is akin to the criminal offence of coercive and controlling behaviour (contrary to section 76 of the Serious Crime and Disorder Act 2015), the panel must be satisfied on the balance of probabilities that FPC Smith’s behaviour towards Miss A was coercive and controlling in order to find this allegation of fact proved. Coercive and controlling behaviour is defined as an intentional pattern of behaviour over time in which one person exerts power and control over another, causing fear, distress or substantial adverse effects on daily life.

40. The AA relies on the evidence of Miss A and the evidence of her xxxxxxxx xxxx xxxx to prove this allegation of fact. The panel found this allegation of fact proved on the balance of probabilities for the reasons detailed below.

41. Miss A states that :

“I had told him that I didn’t want to be with him in the past and tried to leave him, but he would lock me in the house. In the past when I have threatened to report him to the police, he would say ‘THEY ARE NOT GOING TO BELIEVE YOU OVER ME, I’M IN THE POLICE’ and he would say ‘IF YOU LEAVE ME, I WILL TAKE THE KIDS’.”

42. In a letter dated 14 October 2020 Miss Wilson states:

“I am writing to raise my concerns regarding the xxxxxx, xxxxxx xxx xxxxx well-being of the above patient [Miss A]. She is under increasing pressure due to the abusive nature of the relationship she is in with her partner. During the course of my conversations with Miss A, it has become increasingly apparent that she is stuck in a coercive and controlling relationship, which adversely affects her well-being and triggers xxxx xx xx xxxx xxxxx due to the nature of the psychological and emotional abuse.”

“Miss A has expressed concern regarding the possibility of having to go into a second lockdown with her partner. During the first lockdown earlier this year, her partner locked her into the house removing the keys from her, effectively rendering her a prisoner in her own home. He now has camera equipment installed outside the house, which is linked to his smartphone, rendering it difficult for Miss A to leave without his being alerted.”

“Her partner continually issues threats to use her xxxx xxxxx xxxxxxxx against her, xx xxxx xx xxxx xxx xxxxxx xxxx xxx, should she every try to leave. This would be entirely untenable for her.”

43. FPC Smith denies this allegation of fact and asserts that the conduct alleged is not sufficient to establish a breach of the standards of professional behaviour. Within the regulation 31 response, he states:

“The officer accepts that there were challenges, tensions and disputes within the relationship, but utterly rejects the suggestion that he sought to manipulate or control Miss A as alleged. The couple’s personal circumstances which included xxxxx xxxxx xxxxxx on both sides, bereavements, and the rigours of co-parenting a blended family of children, in addition to all of the other stresses and strains of working life and co-habitation, meant that life was sometimes very taxing for the pair of them. These

problems were exacerbated by Miss A leaving employment, which caused the family serious financial strain. Any such relationship will contain gripes and bugbears, which it is preposterous to elevate to the level of a criminal offence.”

44. It is submitted by the AA that the specific examples of coercive and controlling behaviour detailed in allegations of fact 1.2(a)-(g), coupled with the evidence of the impact of this behaviour from Miss A and Miss Wilson prove that FPC Smith engaged in coercive and controlling behaviour towards Miss A between 1 January 2012 and 27 December 2021, and that this behaviour had a substantial effect on Miss A’s life.
45. In determining this allegation of fact, the panel noted that it had found the examples of coercive and controlling behaviour detailed in allegations of fact 1.2(a)-(g) proved. The panel found that Miss A’s account of being locked into the house, and the impact of FPC Smith’s behaviour on her xxxxxx xxxxx and usual day to day activities was corroborated by Miss Wilson in a letter dated 14 October 2020. The panel therefore found this allegation of fact proved.

Allegation of fact 2(a) between 7 and 15 November 2022, sent Miss A messages in which you xxxxxxxx xx xxxxxx xxxxx;

46. The AA relies on the evidence of Miss A and the contemporary and incontrovertible evidence contained in the WhatsApp messages to prove this allegation.
47. FPC Smith accepts that he sent the messages xxxxxxx xx xxxxx xxxxx, but he asserts that he was “*in the grip of a xxxxxx xxxxx xxxxx and felt entirely alone*”. However, he denies that his conduct breached the standards of professional behaviour, his regulation 31 response states:

“With the benefit of hindsight, and in a more positive frame of mind, the officer recognizes that these messages were likely to cause Miss A concern and distress, but that was not his intention.”

48. The panel found that the WhatsApp messages proved that FPC Smith had sent the messages. The panel noted FPC Smith's explanation that the messages had been sent while he was experiencing a xxxx xxxxxx xxxx. However, the panel had not been supplied with any medical evidence to support this assertion, therefore the panel did not accept that FPC Smith was having a xxxx xxxx xxxx when he sent these messages. The Panel found this allegation of fact proved.

Allegation of fact 2(b) on 12 November 2022 you approached Miss A, questioned her about a relationship with another man and xxxxxx xx xxxxx xxxxx.

49. The AA relies on the evidence of Miss A to prove this allegation of fact.

50. FPC Smith accepts that he approached Miss A when he knew that she had taken the children to the local cinema, but he denies that he xxxxxx xx xxxxx xxxx xxxxx. His regulation 31 response states:

"He did this shortly after receiving her message about her seeing another man (see AA 96), to try and discuss the situation with her, because he was struggling with xx xxxxx xxxxx and still hoped that they would be able to patch up their differences as a couple."

51. Therefore, the only disputed issue for the panel to determine was whether FPC Smith xxxxxx xx xxxxx xxxxx when he approached Miss A at the cinema. Miss A states:

"On 12th November I was coming out of the cinema with my children when I saw something out the corner of my eye as I approached my car but did not twig what it was. As I got nearer to my car FPC Smith approached me, as he had parked in his car, a black Skoda Octavia estate, I think the registration ends in 'BBE' but am not certain next to mine. He began to question me about how long I had been seeing the other man, if I had slept with him and then said if I did not get back with him, xx xxxxx xxxx xxxxx. He was standing by my drivers door so I could not leave. I had managed to get my children in the car prior to him become confrontational. He eventually left and I went back home feeling very shaken"

52. In determining this disputed allegation of fact, the panel had regard to the fact that FPC Smith accepts that he xxxxxx xx xxxxx xxxxx in contemporaneous

WhatsApp messages in a misguided attempt to try to resume his relationship with Miss A. The panel found that it was highly probable, given the nature of his threats in the WhatsApp messages, that he also xxxxxx xx xxxxxx xxxxx when he met with Miss A at the cinema shortly after being told that she was in a new relationship. The Panel, therefore, preferred the evidence of Miss A and found on the balance of probabilities that FPC Smith had xxxxxx xx xxxxx xxxxx when he approached Miss A at the cinema. The panel therefore found this allegation of fact proved.

Allegation of fact 2 (c) on 14 November 2022 you invited Miss A to your house and, xx xxx xxxxxxxx xx xxxxxxxx xx xxxxxx xxxxxx xxxxxx, xxxxxx xxx x xxxxxx xxx xxx xxx xxxxx xx xxx xxxxx .

It is further alleged that your conduct as set out in the previous paragraph was intended to secure that Miss A ceased her relationship with another man and/or resumed a relationship with you.

53. The AA relies on the evidence of Miss A, PC Chaplin, PC Gately and the xxxxxx xx xxx xxx xxxxxx found in FPC Smith’s home to prove these allegations of fact.

54. Miss A states that when she attended FPC Smith’s house:

“..he was at the door and said he needed to show me something in the girl's room. I went upstairs to look in the room and xxxxx xxx x xxxxxxx xxxxxxx xxxxx xxx xxxxx xxxxx. I said to him that was selfish and mean of him to put that on me. I don't think this was the reaction he was hoping for. I left but that evening he continued to message me that he was xxx xx xxxxx xxxxxxx xxxxx xxxxx xxxxxxxxxx xxxxx xx xxxxxx xxxxxxx xxxxxxx xxxxxx xxxxxx xx xxxxxx xxxxxxxxxx xxxxx ”

55. PC Chaplin states that he attended FPC Smith’s home address at 4.30am on 15 November in order to effect his arrest for coercive and controlling behaviour. He states: *“I took FPC Smith into the living room where I explained that an allegation had been made that he had sent messages to his ex-partner stating xxx xx xxx xxxxxx xxx xxxxx xxxxxx xx xxx xxxxxx xxxxx xx xxx xxx. Leading to the belief that FPC Smith was only sending these messages to continue to control and abuse the victim.”*

56. PC Gately searched FPC Smith’s home on the 15 November and xxxx a xxxx xxxxx
xxxxx xxxxxx xxx xxxx xxxx xxxx x xxxx xxxx. The evidence is in photographs seen
by the panel.

57. FPC Smith accepts that he invited Miss A to his home on the 14 November 2022, and
that he xxxxxx xxx xxx xxxxx. He asserts that his reason for inviting Miss A to his
home was to discuss if there was any way of salvaging their relationship. He denies
that he xx xxxxxx xxxxxx and asserts that:

*“Xx xxxxxx xxx xxx xxxxx to try and explain to her how low he felt he had hit rock
bottom..”*

*“As with the messages, the officer realizes with the benefit of hindsight that this incident
was likely to upset Miss A and put her in a difficult position, for which he apologizes. Xx
xxx xxx xx xxx xxxxx xxxxx, and in the context of everything that had happened between
them he does not accept that his conduct in this regard breached the standards of
professional behaviour.”*

58. The panel noted that after visiting FPC Smith’s home and xxxx xxxxxx xxx xxx Miss
A was sufficiently concerned to call the police. She had not called the police when FPC
Smith xxx xxxxxxx xx xxxxx xxxxxx in his WhatsApp messages or at the cinema. The
panel found that FPC Smith’s explanation for showing Miss A xxx xxxx xxxxxx lacked
plausibility. He had already xxxxxxx xx xxxxxx xxxxx, xx xxxxx xxx xx xxxxx xxx

59. xxxx x xxxx xx xxxxxx xxx xxx xx xxxx. The more probable explanation for his
actions was that he xxxxxxx xxx x xxx xxxxxxx xx xxxxxxxx xxxxx xx xxx xxxxxx xxxxx
xx xxxxx xxxxx. The panel therefore preferred the evidence of Miss A and found that
FPC Smith had xxxxxx xx xxxxxx xxxxxx xxx xxx xxx xxxxxxx xxxxxx xxx x xxx xxxxx
xxx xxx xxxxxxx | xx xxxxxx xxxxxx was intended to cause Miss A to end her relationship
with another man and resume her relationship with him. Therefore, the panel found
allegation of fact 2(c) proved in its entirety.

Allegation of fact 3(a) on 2 December 2022 at Wealden Crematorium, Horam, TN21 0FX you approached Miss A, gave her a hug and asked her questions about her relationship with another man.

60. The AA relies on the evidence of Miss A and the WhatsApp messages between FPC Smith and Miss A to prove this allegation. There is no dispute that on 2 December 2022 FPC Smith was on bail with a condition not to contact Miss A directly or indirectly save for third party contact in relation to child contact. There is also no dispute that FPC Smith attended the funeral, having been invited to do so by Miss A because FPC Smith and her grandfather had had a good relationship. FPC Smith was granted permission to attend the funeral by the OIC (in the criminal investigation) but he was not given permission to approach Miss A.

61. Miss A states:

“My grandfather's funeral was on 2nd December 2022, he attended the funeral but despite bail conditions also showed up at the wake and came into the venue, The Black Stock Estate, HELLINGLY WAY, BN27 4HF. At WEALDEN CREMATORIUM, HORAM, TN21 OFX he approached me and gave me a hug but later at the wake he started questioning me about my relationship with the other man.”

62. FPC Smith states while he was at the crematorium, Miss A approached him for a hug, which in the circumstances he felt obliged to reciprocate. He denies asking Miss A about her relationship with other men. He further states that he was waiting to pick up Child 1 from the wake, and whilst standing in the doorway of the venue there was a chance encounter with Miss A, and she, while appearing intoxicated, initiated a conversation. He asserts that the contact was unavoidable and does not amount to a breach of the standards of professional behaviour.

63. FPC Smith relies on a statement from his sister Miss C to support his account of his contact with Miss A. Miss C states that she was standing next to FPC Smith outside the crematorium speaking to Miss A's family when Miss A approached them and hugged FPC Smith, they exchanged a few words and moved away. She states that *“It would have been inhumane”* for FPC Smith to refuse to hug in those circumstances.

64. Miss C also states that she was in the car park outside the wake and she saw Miss A and FPC Smith have a short conversation.
65. The panel noted that Miss C is FPC Smith's xxxxx and as such cannot be considered as an independent witness. She states that she attended the funeral to give FPC Smith moral support and in case he needed a witness at any point in the future, because she did not trust Miss A "*after the lies and allegations she had levelled at FPC Smith*". Having found Miss A to be a credible and reliable witness, the panel preferred her account over that of FPC Smith and found that FPC Smith did approach her for a hug at the funeral and did later ask her questions about her relationship with another man. We find that these questions happened at the wake and not at the crematorium as alleged in the Regulation 30 notice. For this reason, the Panel find this allegation not proven.

Allegation of fact 3(b) sent Miss A a Christmas card

66. The AA relies on the evidence of Miss A and the photographs of the card to prove this allegation of fact.
67. Miss A states that "while he was on bail, he also sent me a Christmas card...he was still under bail conditions to not contact me at this time."
68. The printed messages on the front of the card read "to the one I love", and "loved you then, loved you still, always have and always will." The handwritten message inside the card reads "I can't switch it off. I love you with all of me. Have a good Christmas".
69. FPC Smith accepts that he sent Miss A the Christmas card pictured; however, he denies that he sent the card to her for Christmas 2022, when he was on police bail. He asserts that the card was sent for Christmas 2021.
70. The panel noted that there was no independent evidence confirming when the card was sent. However, the panel noted a CAD report entry dated 1/10/23 in which Miss A is said to have reported that FPC Smith had left Christmas cards and post on her car in breach of a non-molestation order. Having found Miss A to be a credible witness, the

panel preferred her account over that of FPC Smith and found this allegation proved on the balance of probabilities.

Allegation of fact 3(c) on 14 January 2023 in the vicinity of your home address you spoke to Miss A about a dispute over her belongings.

It is further alleged that your conduct as set out in the previous paragraph was in breach of a condition of police bail that you were subject to from 16 November 2022 to 9 February 2023, namely, not to contact Miss A directly or indirectly save for third party contact in relation to child contact.

71. The AA relies on the evidence of Miss A and the contemporary and incontrovertible audio recording of the incident to prove this incident.
72. FPC Smith accepts that he did contact Miss A on 14 January, but he asserts that he did so to avoid being in breach of an order from the Family court.
73. The panel found that the audio recording proved the contact between FPC Smith and Miss A. The panel concluded that FPC Smith's explanation lacked plausibility because, as an experienced police officer, he would have been aware that criminal proceedings take precedence over civil matters. Also, his tone and the content of the language clearly indicate that his focus was on Miss A's new partner, who was in the vehicle. Therefore, the panel did not accept FPC Smith's explanation for contacting Miss A.
74. There being no dispute that FPC Smith was on conditional bail at the time of this contact, the panel also found that this contact was in breach of his bail conditions.

BREACH OF STANDARDS

75. Having found all of the allegations of fact except 3a against FPC Smith proved, the panel went on to consider whether the conduct found proved either individually or

collectively breached the standard of discreditable conduct as alleged. The standard provides:

Discreditable Conduct

“Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.”

76. The panel concluded that by engaging in controlling and coercive behaviour towards Miss A over several years, and contacting her in breach of his bail conditions, FPC Smith had clearly breached the standard alleged.

GROSS MISCONDUCT OR MISCONDUCT

77. Having found the breaches of the standard as set out above proved, the Panel carefully considered whether the breaches amount to gross misconduct, misconduct or neither. Misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal. The Panel reminded itself of the circumstances of this case, the breaches of the standard found proved, the need to protect public confidence in, and the reputation of the Police Service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.
78. In assessing the seriousness of FPC Smith’s conduct, the Panel had regard to the outcome guidance which provides that Panels should assess the seriousness of the proven conduct by reference to the officer’s culpability for the misconduct, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigating factors.
79. The Panel determined that the allegations found proved were akin to the criminal offence of coercive and controlling behaviour. The Officer’s culpability for his actions was high. The level of harm was also high. Miss A had been caused significant and lasting emotional harm, and the harm to the reputation of the police service at this time of

heightened public concern about Violence Against Woman and Girls and misogyny in the police service was also high. The allegations were aggravated by amongst other things, the period that the behaviour continued. The panel found no mitigating factors that were relevant to the seriousness of the allegations.

80. The panel therefore concluded that the conduct found proved was very serious and clearly amounted to gross misconduct.

OUTCOME

81. In determining the appropriate and proportionate sanction the panel has had regard to FPC Smith's service record, the facts found proved, the submissions made on behalf of the AA and FPC Smith, and the legal advice received from the LQA. The panel applied the three-stage procedure set out in the outcome guidance. The Panel assessed the seriousness of the misconduct, keeping in mind the purpose of imposing sanctions and chose the sanction which most appropriately fulfils that purpose considering the seriousness of the conduct in question.

Seriousness of the misconduct

82. In assessing the seriousness of the misconduct, the Panel have considered:

- i. The officer's culpability for the misconduct.
- ii. The harm caused by the misconduct.
- iii. The existence of any aggravating factors.
- iv. The existence of any mitigating factors.

83. Culpability is defined as the blameworthiness or responsibility of the officer for their actions. The panel determined that FPC Smith was entirely culpable for his behaviour towards Miss A, his actions were deliberate targeted, and criminal in nature. This is an allegation that falls within the category of violence against women and girls (VAWG). The panel therefore had regard to paragraph 4.62 of the guidance which provides that "*violence against women and girls perpetrated by a police officer whether on-duty or off-duty will always have a high degree of culpability with the likely outcome being severe*". The panel therefore concluded that the level of FPC Smith's culpability is high.

84. Harm can be caused in several ways. The guidance emphasises how the public might perceive such behaviour, if it were to become known, is a relevant factor to take account of when making a determination on the level of harm. Miss A suffered significant emotional distress, which has impacted her xxxxxx xxxxx and left her feeling anxious and afraid. VAWG and misogyny in the police service are issues of local and national concern, and have a significant impact and detriment on the standing and reputation of the profession as whole. The panel therefore concluded that the level of harm in this case was high.

85. The panel found the following aggravating factors in this case:

- The coercive and controlling behaviour was regular, repeated and sustained over several years.
- The behaviour was continued after he realised, or should have realised, that it was improper.
- Multiple proven allegations

86. In considering the aggravating factors in this case, the panel were cognisant that the aggravating factors listed in paragraph 4.76 of the outcome guidance is not exhaustive, and found that FPC Smith's lack of insight into the seriousness of his admitted behaviours and their impact on Miss A was also an aggravating factor in this case.

87. In considering mitigating factors, the panel noted the references in FPC Smith's regulation 31 response to his xxxx xxxxx xxxxx . However, as the panel had not been supplied with any medical evidence to support this assertion, the panel concluded that there were no mitigating factors in this case.

Purpose of the Sanction

88. The panel kept in mind at all times the threefold purpose of imposing sanctions, namely: (a) maintenance of public confidence in and the reputation of the police service; (b) upholding high standards in policing and deterring misconduct; (c) protection of the public. Of these, the maintenance of public confidence in and the reputation of the police service is paramount.

Choosing the most appropriate sanction

89. The Panel has considered the purpose of the misconduct regime and having had due regard to all of the circumstances, including the risk of undermining public confidence in the police service, the panel considers this to be a highly serious breach of professional standards. The Panel had careful regard to the purpose of outcomes and that they are not intended primarily to be punitive. The Panel also had regard to the need for outcomes to be proportionate.
90. In line with the outcome guidance at 7.4, the panel considered the least severe outcome first. The panel determined that a final written warning would be neither proportionate nor appropriate to address the seriousness of this case and to retain confidence in policing.
91. There is no place in the police service for officers who abuse their partners through coercive and controlling behaviour. This type of behaviour, when coupled with FPC Smith's breach of bail conditions, is totally inconsistent with the values of the Metropolitan Police Service. In the circumstances, the only appropriate sanction in this case if FPC Smith had been a serving officer would have been dismissal without notice.

PANEL DECISION ON PUBLICATION

92. At the conclusion of the hearing, the panel invited representations on the lifting of publication restrictions imposed for the duration of the hearing to protect the identity of Miss A and Child 1. Miss A had been in contact with the OIC after giving evidence to confirm that she felt it was important that FPC Smith's name should be published in the notice of the outcome of the hearing. Counsel for the AA supported the application to lift the reporting restriction in respect of FPC Smith's name and suggested that the allegations of fact that related to xxx x could be redacted from the published report. The application was opposed on behalf of FPC Smith on the basis that disclosure of FPC Smith's name would increase the likelihood of Child 1 being identified.

93. In determining this issue, the panel had regard to the fact that misconduct hearings should be in public (reg 39) and the strong public interest in police misconduct proceedings being held in public and reported on [(R(*Newsquest Media Group Limited*) *EWHC 299(Admin)*)]. The panel carefully considered the risk of identifying Child 1 against the need for transparency in misconduct proceedings and concluded, given that FPC Smith's name was not unusual, the identity of Child 1 and Miss A could be protected by additional restrictions.

94. The panel therefore determined that the reporting restriction in respect of the name of FPC Smith should be lifted. The following redactions should be made to the published report to protect the identity of Miss A and Child1:

- The names of Miss A and Child 1 remain anonymised
- The allegations of fact relating directly to xxxx x must be redacted
- The names of xxx xxxxxx and xxx xxxx should be anonymised to Miss C and Miss B respectively.
- All references to FPC Smith's address should be redacted

Commander Jason Prins – Chair

Placida Ojinnaka – Independent Panel Member

Sara Nathan – Independent Panel Member

6th May 2026

