

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

FORMER POLICE CONSTABLE MICHAEL NEEDHAM

DECISION OF THE PANEL

1. Hearing/Legal argument

1.1 *Pre-Hearing issues*

This matter was case-managed by Commander Clayman at a misconduct pre-hearing on 18 February 2026. It was listed by agreement for 6-8 May 2026 inclusive and the venue was confirmed as Palestra House, 197 Blackfriars Road, London, although for reasons set out below, the Panel sat at Palestra House only on 6 May and worked remotely to produce this final report on 7 and 8 May.

1.2 The Hearing Panel comprised Commander Clayman sitting with Independent Panel Members Ms Abu and Ms Poole. The Legally Qualified Adviser to the Panel was Ms Norris.

Ms Kane represented the AA at the Hearing, and Federation Representative Mr Edwards represented the Officer as he had done at the pre-hearing.

1.3 *Ciphers*

It was agreed at the pre-hearing that a cipher ("PC/Officer X") would be used for the complainant, in light of the nature of the allegations.

1.4 *Documentation*

The Panel had before it the following material: the “AA bundle” comprising 104 pages, including the Regulation 30 Notice and Regulation 31 response, the witness statements of PC X and other officers and transcripts of the audio recordings of the interviews with former PC Needham.

In addition, on the first morning, the Panel received a witness statement from former PC Needham and had access in reaching its decision to former PC Needham’s mitigation evidence and personnel records.

1.5 *Issues*

The Panel was informed that former PC Needham had resigned from the MPS with his last working day being 5 May 2026, i.e. the day before the start of the Hearing. The Panel concluded, having received written legal advice from the LQA and with the agreement of both parties, that it was appropriate to proceed in his absence.

1.6 *Evidence*

Ms Kane having opened the case by reference to her opening note, the Panel then heard evidence at the Hearing on the morning of day one from PC X, PC Smith and PC Thirumanokaran. PC X had been offered screens but confirmed she did not require them since former PC Needham was not present.

Ms Kane took PC X through her two witness statements and Mr Edwards was invited to cross examine her. He initially declined to put any questions to her. He was reminded that in the absence of any questions, her evidence would be accepted as unchallenged. Following a short adjournment for reflection, Mr Edwards’ position changed and he was given further time to develop any appropriate lines of questioning, if necessary using the witness statement provided by former PC Needham earlier that morning to do so. He went on to cross examine all three of the Appropriate Authority witnesses.

After lunch, the Panel heard from PC Murat, who had also given a witness statement as to former PC Needham’s character which was uploaded to the online Box folder. It had been agreed that in those circumstances, PC Murat was not “called” by the Appropriate Authority but was a Panel witness.

The Panel was able to put any questions it had to all the witnesses and there was re-examination or supplementary brief questioning where appropriate.

After PC Murat's evidence, the Panel heard submissions from the parties and conducted deliberations. A summary decision as to the Panel's findings was given with a finding of gross misconduct, and the Panel heard further submissions as to outcome, again delivering a summary decision, at the end of day one.

This report sets out the fuller findings and conclusions of the Panel.

2. Background to the case

2.1 The following is the background to the case.

- a) Former PC Needham joined the MPS on 2 September 2024. He and PC X met at Hendon training college and quickly struck up an amicable working relationship. It is common ground that they would classify themselves as "friends" at that time and other witnesses confirm that they appeared to be "close". They did not socialise as a couple but did meet in a nearby pub as part of a larger group after training on Fridays.
- b) It is common ground that shortly after they joined the MPS, former PC Needham asked PC X to go out with him, but she declined. At all material times, PC X was "seeing"¹ a man, Y, who is not a serving police officer.
- c) On 3 January 2025, the last Friday of their training, former PC Needham and PC X were at the pub from around 16.00 hours onwards, with a number of other classmates. Former PC Needham says that he, PC X and PC Murat discussed Y. He says he made a disparaging reference, or more than one, in abusive terms about Y to PC X, and that this was because Y treated PC X badly and was rude to her. Former PC Needham says that he also called PC X a "mug" for putting up with Y's behaviour.

PC X says that she does not recall former PC Needham saying these things on the night in question but that they had had similar conversations in the pub before.

- d) PC Murat went home at around 18.00 hours and says that PC X and former PC Needham were in conversation when he left the pub.

¹ Officer X was clear in her statement and oral evidence that she would not describe this man as her "boyfriend". We refer to him in this report as "Y" accordingly.

- e) PC X alleges that at around 18.00 hours, former PC Needham made a comment to her which upset her: “I’ll rape you, I’ll pin you down and annihilate you. You know I’m stronger than you, don’t you? You do know that, don’t you?” She said that her immediate reaction was to freeze but that she then said OK (in the sense that he is demonstrably stronger than her), but then felt compelled to turn away and turn her back on him. She was now facing towards two colleagues, PC Thirumanokaran and PC Smith, who were sitting adjacent to her, and positioned herself so that she did not interact with former PC Needham for the rest of the evening. She informed them of what he had said to her.

It is common ground that nobody else in the pub overheard former PC Needham say the words alleged.

- f) At around 23.30 on the same night, as everyone was getting up to leave, PC X says that former PC Needham asked her if she thought he was a “nice guy” to which she replied, “No”. She alleges that former PC Needham then said to her, “I hope you get Wayne Couzened on the way home” and that she believed this was a reference to the rape/murder of Sarah Everard in 2021 by off-duty MPS officer Wayne Couzens. PC X says that former PC Needham repeated this comment a second time before they both left.

Again, it is common ground that nobody else heard him say this.

- g) PC X made no official report, but she told others what she claimed former PC Needham had said. On 6 February 2025, a record was made and passed to the Professional Standards Unit.
- h) Former PC Needham was later formally notified of an investigation into his alleged conduct on 3 January. He was interviewed under caution on 19 March and 5 June 2025. The outcome of the criminal investigation was No Further Action.
- i) Former PC Needham has consistently denied that he said the words alleged, or anything like them that could have been misheard or misinterpreted.

3. Regulation 30 notice and Regulation 31 response

- 3.1 Against the above background, it is alleged in the Regulation 30 notice that:

1. On 3rd January 2025 whilst off duty you attended The Beaufort public house in Hendon, London NW9 together with colleagues.
2. Whilst at the pub you spoke to a female colleague, PC X, and you threatened to rape her.
3. Towards the end of the evening as people were leaving the pub you told PC X that you hoped she would be “Wayne Couzened” on the way home, or words to that effect.
4. When you said those words, you knew that Wayne Couzens was a police officer who had abducted, raped and murdered a young woman in London.
5. Your actions, as set out in paragraphs 2 and 3 above, caused PC X distress.
6. In the circumstances your actions as above breached the Standards of Professional Behaviour of Authority, Respect and Courtesy and Conduct.
 - a. Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy;
 - b. 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.

The matters set out above amount to gross misconduct and are individually and collectively so serious as to justify dismissal.

3.2 Former PC Needham responds as follows in his Regulation 31 response:

1. He does know PC X as they were in the same Cohort and they first met in September 2024. He admits having contact and seeing her daily during their initial Monday to Friday Training at Training School Hendon. Former PC Needham stated he, PC X and up to a group of ten other officers used to usually meet at this very pub most Fridays after training had finished.
2. Former PC Needham was asked to describe his relationship with PC X and he said they spoke often daily at training school and through a Group WhatsApp group for the trainee officers, with occasional contact one on one with PC X. Former PC Needham said he thought he and PC X were close as colleagues and thought of her as a friend.

3. Former PC Needham did indeed attend the public house with a group of other trainee officers - up to ten of them - on 3 January 2025. Former PC Needham has described how he was sat around a large table with the group and PC X was sat to his right.
4. A conversation took place between Former PC Needham and PC X over how her then boyfriend/partner treated her. The fact this boyfriend/partner treated her poorly according to the group. The officer mentions being shown a picture of PC X in a black dress which she had posted on Instagram and the then boyfriend/partner called PC X names such as "slag". Other members of this group were involved in the conversation and asking if this male had apologised for speaking to her like that and she said "No and he's the only one that can speak to me like that".
5. Former PC Needham has told PC X that she was a "mug" for letting this male treat her like that. His intent was to show support for her and let her know that this sort of behaviour from the male towards her was unacceptable. This male also referred to her police officer friends as "pig friends" when speaking directly or messaging PC X which she left unchallenged. Former PC Needham has referred to this male as a "cunt" directly to PC X and said he treats her wrong and she should not put up with this. Former PC Needham believed PC X was subject to an abusive and coercive relationship and this was his attempt and showing support, albeit in a clumsy way. If given the opportunity again Former PC Needham would like to have shown her support in a more diplomatic way.
6. This conversation has been confirmed as correct by PC Murat in his MG11. Former PC Needham says the conversations continued between the group throughout the night and everyone went home.
7. The allegation was then put to Former PC Needham on 7 February 2025.
8. Former PC Needham has since been criminally interviewed and a follow up Misconduct Interview. The criminal case was No Further Action at the conclusion of the investigation by a suitably qualified Evidential Review Officer (ERO).
9. Former PC Needham utterly denies saying anything about rape or Wayne Couzens or hoping anything happens to PC X. He also utterly denies ever

saying he would pin down and annihilate her and with that denies any breach of the professional standards of behaviour. His account given in interview is this is simply not something he would ever say and would never use the word “Couzens” as a verb.

10. Former PC Needham has said no part of that alleged conversation took place and it was not a misquote, misheard or partial conversation, simply it did not happen at all. He has been asked to account for why PC X has said these things or made the allegation and that is not something he is qualified to answer. Former PC Needham was asked to account for why PC X would have made up this allegation and again this is something he cannot comment on.

4. Standards said to have been breached

4.1 Discreditable Conduct

- a) The Standard in the 2014 Code of Ethics (now superseded, but potentially of assistance in understanding the behaviours expected of officers) said, “I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing”.
- b) According to the 2014 Code, police officers “must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty. You should ask yourself whether a particular decision, action or omission might result in members of the public losing trust and confidence in the policing profession.”
- c) Examples of meeting this Standard in the 2014 Code included avoiding any activities (work-related or otherwise) that may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public, and avoiding activities which may compromise a police officer’s position in policing.
- d) The Panel notes that in policing policies on “VAWG” (violence against women and girls) it is noted that “violence” does not just mean physical harm but can include harassing behaviour.

4.2 Authority, Respect and Courtesy

- a) The Standard in the 2014 Code said, “I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will ...respect the rights of all individuals.”
- b) According to the 2014 Code, an officer must:
 - avoid any behaviour that might impair their effectiveness or damage either their own reputation or that of policing
 - ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public or policing colleagues;
 - be prepared to explain their actions as fully as possible.

Examples of meeting this Standard included when officers:

- remain composed and respectful, even in the face of provocation
- retain proportionate self-restraint in volatile situations
- keep an open mind and do not prejudge situations or individuals.

5 Relevant findings of disputed fact

5.1 The Panel has had full regard to all the relevant evidence in the bundle and to the parties’ submissions in making its findings as follows:

5.2 *Witnesses generally*

- a) Overall, the Panel assesses the evidence of all the witnesses who gave oral evidence as credible. They each gave straightforward evidence which was not significantly damaged in cross examination, even though their accounts, particularly as to timing, were inconsistent in places.

There were inevitably gaps in memory during their oral evidence which was, however, broadly consistent with their written witness statements; these were made nearer to the evening in question. To the extent that there were minor inconsistencies between a witness’s written and oral evidence, we prefer their written accounts.

The Panel also had before it a witness statement from PC Tanswell and emails from PCs Farina, PC Brown and PC Mannick. Those witnesses were not called to give oral evidence. We had the additional witness statement from former PC Needham that was served on the morning of the Hearing.

- b) While the Panel notes that the matter was not reported to line managers contemporaneously, no criticism is to be inferred of any of the officers involved.
- c) The Panel is mindful first that the events complained of took place well over a year before the Hearing, second that they took place in a pub where at least some of those present were drinking alcohol over a number of hours and third that in relation to timings on the evening in question, the witnesses would have had little reason to recall these with any precision at the time particularly since none of those present intended to make any formal report.

PC X

- d) PC X gave evidence that she and former PC Needham initially had “happy, normal interactions”. She found him funny and quite charming and they got on well; she considered him a good friend. She told him about Y and how she sometimes found Y annoying when she received certain messages from him, for example asking where she was. Former PC Needham would call Y a “wasteman” and “pussy-hole”.
- e) PC X said that she made it quite clear early on that she was not interested in forming a relationship with former PC Needham. She said that on occasion he would ask her to meet up to get to know him “like a date” but she declined, saying she wanted them to remain “just friends”.

PC X was not challenged in cross examination on this part of her evidence, which we accept accordingly.

- f) An incident took place in September 2024 when a friend of PC X was at the pub, visibly distressed and crying. When PC X went to console her friend, former PC Needham kept trying to get her to go back and sit with him. She

did not do so, and described him as getting in “a bit of a mood” as a result. She said, “He was very off with me because I didn’t immediately go to his side of the sofa when he asked me”.

Although former PC Needham denied this behaviour in his interview, PC X was not challenged in cross examination on this part of her evidence, which we accept accordingly.

- g) According to PC X’s witness statement, around a week later, former PC Needham insisted on going with her to a bus stop after they had been to the pub together. He had asked throughout the night if he could go back home with her, which she refused and then offered to take her all or part of the way home, which again PC X refused.

In oral evidence, PC X said that she felt former PC Needham was trying to “baby” her; she does not consume a lot of alcohol (a maximum of two bottles of fruit cider in an evening) and did not need his assistance. She told him subsequently that he had made her feel uncomfortable. He acknowledged this and apologised, saying he would “behave” in future. PC X said she forgave him.

PC X did not accept in cross examination that former PC Needham was making a “misguided, clumsy attempt” out of some form of chivalry to make sure she got home safely; she refuted this based on the fact he had repeatedly asked to go home with her.

Former PC Needham accepts that he went to the bus stop with PC X after work on one occasion. He denied in his interview that he was trying to have a sexual relationship or “more than just a friendship” with PC X, although he accepted that he offered to accompany her home, or half way home, on the tube. PC X’s account that he had been asking to go home with her was not challenged in cross examination. We accept that evidence of PC X.

- h) In oral evidence, PC X confirmed that her account in her witness statement of the words used by former PC Needham on the night of 3 January 2025

is accurate. She places the first incident at “after around 18.00 hours” in her statement, when she was sitting on a bench in the pub, with former PC Needham on her left and PC Thirumanokaran on her right. She said in oral evidence that after former PC Needham had said he would rape her, her immediate action was that she “just froze”. He stared at her and said, “You do know I am stronger than you?” and in the end, PC X just said, “Yes”, because, as she put it simply, he is. She looked around to see if anyone else had heard what he had said, but everyone was talking. She turned shortly afterwards to her right, where PC Thirumanokaran was sitting, placing cushions, that she took from behind her back, to her left like a “wall” between her and former PC Needham. She did not turn back to him for the rest of the night until they were leaving and the second incident occurred.

PC X was not challenged in cross examination on this part of her evidence, which we accept accordingly.

- i) As to the second incident, as everyone was getting up to leave at around 23.30, PC X says former PC Needham blurted out to her, “Am I a nice guy?”, to which she replied, “No”. At this point, she says, he said twice, “I hope you get Wayne Couzened on the way home”.

PC X was not challenged in cross examination on this part of her evidence, which we accept accordingly.

- j) The training course at Hendon was to finish the following week. PC X says she did not report the incidents on 3 January because she and former PC Needham would be assigned to different BCUs and would not come into contact with each other. She said she ignored him in training for the three days after the evening in question, believing that he did not ask why she was not speaking to him because he remembered what had happened.

We accept that contact between PC X and former PC Needham faded because they were indeed then assigned to different BCUs and it was not because former PC Needham had insulted Y.

PC Smith

- k) PC Smith does not recall any timings. She recalls however that at some point, she and PC Thirumanokaran were in discussion on the night in

question when PC X moved closer to PC Thirumanokaran, turning her back to former PC Needham, who was on PC X's other side. In her witness statement, PC Smith described PC X as appearing "rather quiet", which led to the two female officers asking PC X if everything was OK. PC X then told them what former PC Needham had said and that it was not the first time he had made this type of comment. They urged her to report the incident. She and PC Thirumanokaran left about 30 minutes later.

- l) In oral evidence, PC Smith more than once described PC X as appearing "a bit frozen". She said she believed former PC Needham "fancied" PC X. She confirmed that when she was referring in her witness statement to "this type of comment", she did not mean references to rape or sexual violence (though the Panel notes this was not her phrase – it must have been her inference).
- m) PC Smith's evidence was not challenged in cross examination and she confirmed that she and PC X have not had any contact since leaving Hendon until the morning of the Hearing when they said hello to each other on arrival at Palestra. We accept her evidence accordingly.

PC Thirumanokaran

- n) PC Thirumanokaran's recollection is that around 21.00 hours PC X moved along the bench, closer to her, prompting her to ask PC X if she was OK. She said that PC X replied she was not, and then informed PC Thirumanokaran and PC Smith of suggesting he would forcefully have sex with her and that this was not the first time he had done so. Her evidence however was that PC X said former PC Needham **had** made "rape comments" towards her.
- o) In oral evidence PC Thirumanokaran's recollection was particularly vague on this point. She said that she believed PC X had told her about a conversation when former PC Needham was walking to the bus stop and had made "a joke" that he would rape her.

It is not PC X's account that former PC Needham had previously referred to raping her, in whatever context, and we find that there had been no such reference.

- p) PC Thirumanokaran also said that in the pub on the night in question, PC X and former PC Needham had appeared to be having what she described as a “flirty” conversation. She elaborated on this saying that they were leaning in to each other, whispering together, while others were involved in group conversations.
- q) We note that PC Thirumanokaran believes that after this interchange, both PC X and former PC Needham left, while she and PC Smith remained for 20 to 30 minutes. This evidence again is inconsistent with the accounts of all the other witnesses and we prefer the accounts of PC X and PC Smith as to the timing of their departures.

However, we accept PC Thirumanokaran’s evidence that PC X’s demeanour changed at one point in the evening, and that she moved closer to her and told her contemporaneously what she had heard from former PC Needham.

PC Murat

- r) PC Murat supports former PC Needham’s account on a number of peripheral aspects:
- PC X complained on occasion that Y was quite aggressive and insulting to her;
 - She said that Y would make derogatory comments about the police;
 - When she posted on social media a picture of herself wearing a particular dress, he became really upset and referred to her as “slutty” or similar;
 - On the night of 3 January 2025, former PC Needham told PC X that Y is a “prick” and that he did not know why she was still with him, calling her a “mug” for putting up with it. PC Murat said he was trying to be more diplomatic but that former PC Needham could be “very blunt”, using this interchange as his only example.
 - Otherwise, PC Murat had never heard anything said by former PC Needham that caused him concern or made him pull former PC Needham aside to take him to task about it. Former PC Needham did not act inappropriately around females and was always quite popular and friendly with other classmates at Hendon.

- s) Both in his written statement and oral evidence, PC Murat confirmed however that when he left the pub, which was no later than 18.00, PC X and former PC Needham were still speaking to one another.

While the Panel accepts PC Murat's evidence, we note that on any analysis, he was not present at the time of the incidents with which we are concerned and therefore his evidence does not assist us in our findings.

Written evidence

- t) We take into account that PC Mannick and PC Farina were present on the evening in question. They have sent emails confirming they did not hear any comments between PC X and former PC Needham.
- u) PC Brown was also present and likewise did not hear any comments, but by email of 25 February 2025, she saw PC X and former PC Needham talking, then saw PC X suddenly stop talking to former PC Needham, turn her back on him and tell the girls what he had said. The Panel considers that PC Brown cannot give first hand evidence of what PC X said to PC Smith and PC Thirumanokaran, but we accept that she saw an abrupt ending of the conversation between PC X and former PC Needham and saw PC X turn away to speak to the female officers.
- v) We have taken into account the transcripts of former PC Needham's interviews and his written witness statement produced on the morning of the Hearing. We note he did not attend the Hearing to allow his accounts to be challenged in cross examination and place reduced weight on his statement accordingly.

Former PC Needham accepts:

- He asked PC X out but she declined;
- They remained friends;
- He believed that Y treated PC X "like rubbish/shit" and made that clear to her, including calling Y a prick/cunt "all night/a few times" and PC X a "mug" for putting up with him, while PC Murat was more diplomatic. Former PC Needham told PC X to "move on" from Y;

- At some point in the evening, PC X turned to speak to officers on her right, as former PC Needham himself turned to speak to a woman on his left;
- PC X does not drink a lot, and will usually have around two or three bottles of fruit cider over the course of the evening;
- PC Murat usually leaves the pub at 18.00 because of family commitments;
- The group generally broke up and people left around 23.30 on the evening in question;
- Other than a possible exchange on WhatsApp about attending a colleague's party, he and PC X had no contact in the remaining days while they were at Hendon or since then. He could tell she was "off" with him.

He continues to deny, as he has throughout the investigation, that he said the words alleged to PC X. He ascribed their distance after the night in question to his offensive language around Y and calling PC X a "mug".

5.3 *Allegations*

Overall, whilst it is finely balanced given that as to the specific incidents that form the allegations, is one person's word against another, the panel finds on balance of probabilities that both incidents took place as PC X described in her witness statement and are therefore proven. The Panel considers each of the allegations in turn:

Former PC Needham threatening to rape PC X

- a) We have set out above the reasons for finding that PC X's account of this incident in her written and oral evidence was credible and consistent. While former PC Needham asserts in his witness statement that "an absence of evidence remains a significant factor" and while we remind ourselves that it is for the Appropriate Authority throughout to prove its case:
 - i) As former PC Needham acknowledges, the standard of proof in a criminal case is higher than the balance of probabilities, which is the standard before us.

- ii) It is not correct to say there is an “absence of evidence”. PC X’s account is evidence, which in turn is supported by the evidence of PC Smith and PC Thirumanokaran as to her conduct in the immediate aftermath of the comments made, and by PC Brown who as we have said has indicated that she also saw PC X stop talking to former PC Needham, turn from him and speak to the other female officers.
- iii) The Panel does not consider it extraordinary that parts of former PC Needham’s conduct were “observed and recalled” while the comment was not heard by any other person present. We accept that the discussion was around a large table in a noisy pub, possibly with music playing. The group was split into smaller “pods” each having their own conversation. It is not difficult to understand how words spoken directly to PC X by former PC Needham, who were sitting next to each other and speaking in low voices to one another, could have been heard only by PC X and by nobody else present at the time. It is particularly unsurprising that PC Murat, who on any account had left by then, did not hear the words alleged.
- iv) We consider it significant that PC X described her reaction by saying that she “froze” in the immediate aftermath of the incident; this was entirely consistent with word used by PC Smith (“frozen”) in her evidence to describe PC X.
- v) As we have said above, both the other female witnesses also corroborated PC X’s account that on hearing the words from former PC Needham that she turned away from him and moved towards her colleague. While they did not mention the placing of a cushion to create a physical barrier between them, we accept the account of PC X that she did so.
- vi) We have found that PC Murat’s evidence was not of particular assistance because he had left the pub on any analysis before the

relevant conversations took place. He was clear, and we accept, that when he left, PC X and former PC Needham were still sitting close together and talking.

vii) We accept the AA's submission that the fact PC X and former PC Needham had had up until that point a good working relationship is neutral in our determination because while there is no apparent reason why former PC Needham would have said the words alleged, there is equally no reason why PC X would have made them up.

viii) In determining whether words were used or not when it is one person's word against another, we reach conclusions based on our findings as to context, demeanour, and the contemporaneous nature of the reporting to colleagues.

b) In the circumstances, we find that the incident took place as alleged.

Former PC Needham saying to PC X that he hoped she was "Wayne Couzened" on the way home

a) There was no challenge to PC X's account on this part of the evening, save the repetition of a denial by former PC Needham that he said the words, or anything like them.

b) In the circumstances, we accept PC X's unchallenged account and find that the words alleged were used.

5.4 We note that the standards alleged to have been breached require officers to behave in a manner which does not discredit the police service or undermine public confidence in it. That includes when they are off duty. They must treat colleagues with respect. We consider that a properly informed member of the public would consider the objective standards to have been breached as alleged.

6 Determination of severity: Misconduct, Gross Misconduct or neither

6.1 The Panel heard representations from both the AA and on behalf of former PC Needham and we have considered those carefully in light of our findings in this case. In assessing the seriousness of the conduct found proven and the found breaches of the Standards of Professional Behaviour and reaching a conclusion

on misconduct, gross misconduct or neither, the Panel considered the two breaches individually and cumulatively.

- 6.2 Gross misconduct is a breach of standards so serious that dismissal would be justified (in the case of a former officer, would have been justified if the officer had not left the MPS). These are objective standards, and the standard of proof is the balance of probabilities.
- 6.3 Former PC Needham has behaved in a manner while off duty that is liable to bring discredit on the police service or undermine public confidence in policing. We consider that a victim reporting a sexual assault, or involved in a relationship where they were subject to coercive and controlling behaviour, would have little confidence in the MPS if they knew of this conduct. Further, his language towards PC X was abusive, oppressive, harassing, bullying and offensive.
- 6.4 In addition, to assist with assessing seriousness, the Panel also was cognisant of the published report, HMICFRS's Inspection of Vetting, Conduct and Misogyny in the Police Service, which describes 'prejudicial and improper behaviour' as:

"Any attitude and/or behaviour demonstrated by a police officer or police staff that could be reasonably considered to reveal misogyny, sexism, antipathy towards women or be an indication of, or precursor to, abuse of position for a sexual purpose (AoPSP). It may include, but is not limited to: inappropriate, crude or offensive comments; telling sexualised jokes; asking intrusive questions about someone's private life; inappropriate touching; abusive, manipulative, coercive, controlling or predatory behaviour; bullying and harassment; and any other type of behaviour that may give cause for concern over whether a person is fit to serve as a police officer or as police staff."

Culpability

- 6.5 Culpability means blameworthiness or responsibility for your actions.
- According to the Guidance on Outcomes in Police Misconduct Proceedings (at paragraph 4.10), conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences.
- 6.6 The Panel finds this was intentional, deliberate and targeted conduct by former PC Needham towards PC X.

- 6.7 The Guidance says at 4.13 that “It is not possible to categorise all types of case where dismissal will be appropriate because the circumstances of the individual case must be considered. Many acts have the potential to damage public confidence in the police service.” However, at 4.14 it adds that the types of misconduct given in certain sections should be considered especially serious. A number of non-exhaustive factors are outlined, which include so far as is relevant in this case:

Violence, intimidation or sexual impropriety

- 4.40 “Misconduct involving violence, intimidation or sexual impropriety is serious and can significantly undermine public trust in the profession”;

(this is picked up again in the section on Violence against women and girls though we are careful to avoid double-counting).

- 4.41 Such misconduct “includes cases involving bullying or harassment, either in the police service or towards members of the public”.

The Guidance suggests that more serious action is likely to be appropriate where the officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or improper emotional relationship with a colleague or member of the public.

- 6.8 We have found that these were egregious remarks made towards a colleague with clear, if not express, reference to non-consensual restraint, annihilation rape and murder. We note that the Guidance says:

- 4.61 “Policing has come under national scrutiny through high-profile cases where there has been a failing to prevent or protect women and girls from abuse and violence, and/or violence has been perpetrated by those serving the police. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated.”

- 4.62 “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.”

6.9 The Panel considers that all the above factors as set out in the Guidance are applicable here. For these reasons, the Panel assesses culpability as high.

Harm

6.10 There was a degree of mental harm. PC X's distress at what was said to her clearly remains a live issue over a year after the evening in question and was palpable while she was giving her oral evidence. We are mindful however, as the Appropriate Authority acknowledged, that we do not have any medical reports to assess this aspect of harm further.

There was no financial loss or physical harm involved.

6.11 Significant potential for harm lies in the undermining of public confidence in policing had former PC Needham's actions been common knowledge. We consider that a fully informed member of the public would have considered former PC Needham's behaviour to have been egregious. Wayne Couzens, as a police officer who abused his position to commit the most serious offences of rape and murder, has become a by-word for what can happen if serving officers can or are perceived to behave with impunity.

6.12 We refer back to the Casey report in this regard:

"We have found a culture of discrimination that takes many forms in the Met but is felt most acutely by those who cannot hide their differences from the White male norm, particularly people of colour and women. We have found racism, misogyny and homophobia in plain sight.

This 'resistance to difference' emerges in a culture of bullying experienced by a significant minority of the organisation, described further below. Those who do not conform to the prevailing culture face discrimination, bullying and barriers to thriving and progressing in their careers. Those who try to conform teeter on a knife edge in the organisation. If they speak out, they will be labelled as a 'trouble-maker'. They are incentivised to hide things about themselves which would bring them into conflict with the prevailing culture. But even if they walk that line effectively, the organisation may still decide that their 'face doesn't fit'.

While it may or may not be a small minority of colleagues who are committing acts of discrimination, many more are affected by those acts.

The organisation as a whole, especially through its leadership, its management tiers, its policies, systems and practices, allows, or causes, discrimination and abuse to occur and recur. As a result, the integrity of the whole organisation is degraded and public trust is eroded”.

Overall, the Panel assesses harm as high.

- 6.13 For these reasons, we find the proven conduct, taken individually or cumulatively, amounted to gross misconduct.

7. Outcome

- 7.1 We have had regard to the very limited character evidence submitted by former PC Needham and to his witness statement and HR records. We have taken into account the submissions made on behalf of both parties as to outcome.

- 7.2 The Panel reminds itself carefully of the three-fold purpose of the misconduct regime in considering the appropriate outcome in this case. We further remind ourselves that the police misconduct regime is not designed to punish police officers; it is about the reputation and standing of the profession as a whole.

- 7.3 We have made full findings on culpability and harm in our assessment of the level of conduct, and we do not repeat those findings here. The Guidance notes that harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, that is to be taken into account.

It continues that where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole. For example, violence against women and girls perpetrated by a police officer, whether on-duty or off-duty, will always harm public confidence in policing, since this is inimical to the values of modern policing and the Standards of Professional Behaviour.

- 7.4 We have assessed both culpability and harm to be high. We turn then to aggravating and mitigating factors.

We have been careful not to double-count, but we accept that the following factors are present in this case:

- The scale or depth of local or national concern about a particular issue, i.e. sexual impropriety by police officers and VAWG;
- Two proven breaches of the Standards of Professional Behaviour.

So far as mitigating factors are concerned, we note that the misconduct was of brief duration, in that it took place in the course of a single evening.

7.5 As we have been reminded, the fact that former PC Needham has resigned means that considerations on sanction are replaced by consideration of whether he would have been dismissed if he had not ceased to be a serving officer, though the only eventual findings as to outcome available to us in the circumstances would be “no action” or dismissal.

We have started, as we are required to do, with the least severe sanction first:

a) If former PC Needham was still serving, we have considered whether the imposition of a final written warning would have been sufficient. Given the seriousness of what we have found, we conclude that a final written warning would not maintain public confidence or deter other officers, given the severity of the concerns, and would not reflect the seriousness of the conduct found.

This conduct goes to the heart of why there are challenges to the reputation of the police in certain parts of the community. A final written warning would, in our view, have been wholly inadequate.

b) Reduction in rank would not have been applicable in this case.

c) The remaining option would have been dismissal without notice.

That is the sanction that we consider would have been imposed and it would have been the only appropriate outcome, given the nature and severity of the breaches of professional standards that we have found.

Conclusion

7.6 If still serving, we would therefore have had found that former PC Needham would have been dismissed without notice and placed on the College of Policing barred list.