

IN THE POLICE MISCONDUCT HEARING

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

IN THE MATTER OF:

FPC YASEEN MUKITH

DECISION OF THE PANEL

Sian Chacksfield (Chair), Bernadette Leverton (Independent Panel Member) and Mark Dent (Independent Panel Member).

A: INTRODUCTION

1. The misconduct hearing for FPC Mukith was held in public on 20th and 22nd April 2026 at Palestra House, London. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 (“the 2020 Regulations”).

B: THE ALLEGATIONS

2. The Panel was referred to a Regulation 30 notice in respect of FPC Mukith (“The Former Officer”) containing the Allegations and that his conduct amounted to gross misconduct, namely:

On 24 July 2023 you, while off duty, assaulted Mr [REDACTED] at the Tamak Lounge, Barking.

If proved, allegation 1 amounts to gross misconduct by reason of the conduct amounting to Discreditable Conduct.

C: REPRESENTATION

3. The Appropriate Authority (“the AA”) was represented by Lucy Chapman of Counsel. FPC Mukith was represented by Alex Stein of Counsel.
4. The Panel would like to thank the representatives for their assistance throughout the case, including the provision of an opening note and written closing submissions.
5. The Panel were assisted by Stacey Patel, Legally Qualified Advisor.

D: PRELIMINARY ISSUES

6. FPC Mukith did not attend the hearing. Mr Stein stated the Former Officer was fully aware it was taking place and did not make any application to adjourn. The Panel therefore continued to consider the allegation in the absence of the Former Officer.
7. During the hearing the AA made an application to adduce the statement of [REDACTED] as hearsay. Mr Stein opposed the application, but it was granted by the Panel for reasons stated in the hearing.

E: REGULATION 30 NOTICE

8. On the morning of the first hearing the Regulation 30 Notice, as set out above, was read out.
9. The Panel took note that the Former Officer denied the allegations, and his response was set out in the Regulation 31 response.

E: THE PANEL'S APPROACH

10. 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 each of the allegations;
 - b. Determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the Complainant amounted to misconduct or gross misconduct.
11. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
12. The Panel have approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being 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 secondary purpose is to be declaratory of high professional standards and a final purpose is to protect the public and staff by preventing similar misconduct recurring in the future.
13. The Panel has also had regard to a framework of regulations and guidance, in particular the following:

- a. The Police (Conduct) Regulations 2020 (the “Regulations”) including in particular the Standards of Professional Behaviour at schedule 2;
- b. 2018 Home Office Guidance (the “HOG”), including in particular chapter 1, summarising the Standards;
- c. The definition of misconduct given at Reg 3(1) of the Regulations: “a breach of the Standards of Professional Behaviour”;
- d. The definition of gross misconduct given at reg 3(1) of the Regulations: “a breach of the Standards of Professional Behaviour so serious that dismissal would be justified”.

14. The Panel listened carefully to all of the oral evidence. They read and carefully considered every item of the other evidence before them. They considered the totality of the evidence and submissions made. They do not propose to deal with each and every aspect of the evidence or submissions made, but they state their main conclusions.

F: EVIDENCE

15. The Panel had been provided with the following documents:

- a. Agreed Bundle comprising of 147 pages, including the Regulation 31 response.
- b. The AA’s opening note.

The panel also heard from the following witnesses:

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██████████

- c. DC Rivan Cook
- d. PC Sayanthan Thurairatnam.

G: THE BACKGROUND

16. On 26th July 2023 Mr ██████████ reported to the MPS that he had been assaulted by PC Mukith whilst working at the Tamak Lounge. A man he knew as ‘Cousin’ came in, who he believed to be the cousin of FPC Mukith. FPC Mukith greeted him and then asked Mr ██████████ to make them some tea. When he returned to serve them, FPC Mukith began shouting at him, asking him what he was doing. ██████████ initially believed FPC Mukith was joking, as this was unusual behaviour for him. FPC Mukith got to his feet, and grabbed ██████████ by the neck, before dragging him into a side room, where ██████████ says he struck him. ██████████ said he was screaming, and the assault only ended when ‘Cousin’ and ‘Az’ came in to see what was happening. ██████████ describes having a bump to his head, a swollen cheek, and an injury to his ankle which bled. This assault occurred whilst the officer was off duty with the complainant reporting that he knew the officer was a serving police officer.

H: EVIDENCE

17. The Panel heard evidence from 4 witnesses, it is not repeated here in full, but a general summary given.

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18. ██████████ was assisted by a Zaghawa interpreter, and he adopted his witness statement with the following amendments:

He stated that the Former Officer came into the Shisha lounge wearing an ID, not with a half uniform. He also said the incident took place in a room where shisha is prepared for clients downstairs and not in a staff room upstairs.

19. Under cross examination ██████████ stated he did not have an interpreter present when he made his initial complaints to his social workers or the police. He previously used an interpreter when he first arrived in the UK, and still uses an interpreter now for immigration and legal matters. ██████████ confirmed he asked for an interpreter for the misconduct hearing as his English is *not full* and he doesn't always understand *"legal things"*.

20. ██████████ confirmed that he took the photos of his injuries but that it was staff at his accommodation who sent them to police. He accepted that the Typed Domestic Violence Report does not mention a cut to his ankle, but ██████████ stated he did tell this to an officer, he just could not remember which one.

21. ██████████ continued to confirm he did attend the wedding but could not remember when this was. He accepted that the Former Officer was present at this wedding, but he attended as he wished to accept the wedding invitation. ██████████ stated he felt safe to attend the wedding and had been sent a car to collect and drop him, therefore *"this was not a problem"*.

22. Finally, ██████████ stated that he was not lying, he was not the aggressor and he did not put the Former Officer into a headlock. He said that he was trying to avoid the Former Officer and he ended up with injuries.

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23. ██████████ adopted her witness statement. She stated she would speak to ██████████ in English by 2023 having used an Interpreter when she first worked with him. She had no issues speaking English, but would often *break things down*. ██████████ called her after he was assaulted and said he had a few marks on his face, and she was not aware of any other injuries. ██████████ stated that she then called ██████████ (the manager of the accommodation where ██████████ was living) and asked for a key worker to attend the property to report it to police.

PC Sayanthan Thurairatnam

24. PC Thurairatnam adopted all 3 of his witness statements. He stated he had no concerns about ██████ English when he took his statement over the telephone. He then sent an email to ██████ to sign it which he did. PC Thurairatnam stated ██████ did not mention a wedding. He also accepted that he did not check if there was any CCTV, or if 'Az' was willing to give a statement.

DC Rivan Cook

25. DC Cook adopted his witness statement. He informed the Panel he took ██████ statement over the telephone as he did not have a Met driving licence. DC Cook stated he had no concerns about ██████ English, and he made sure he understood everything before making a statement.

26. DC Cook did not recall checking for other witnesses as he was not the OIC and he accepted he did not go to the lounge or speak to other managers. DC Cook also stated that he thought there were other lines of inquiry to be followed, and he would have done so if the case had not been transferred.

I: FINDINGS OF FACT

27. In making its findings of fact, the Panel had regard to all the documents contained in both the Regulation 30 and 31 Bundle, as well as oral evidence and submissions. The fact that each document is not referred to does not mean that each document has not been carefully considered.

28. The panel heard advice from the Legally Qualified Advisor ("the LQA").

29. The Panel has had regard to the fact that the burden of proof in this case is on the Appropriate Authority and that the civil standard applies, namely proof on 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.

30. The Panel was also mindful not to assess any witness's credibility exclusively on their demeanour when giving evidence, but that their veracity should be tested by reference to objective facts proved independently in their evidence, in particular by reference to the documents in the case. It has 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)*.

31. The Panel was also mindful of the extent to which the passage of time may have affected a witness's memory and that memories can fade with the passage of time. Recollections may change or may become confused as to what did or did not happen at a particular time. It has borne in mind that an honest witness can be mistaken, and a mistaken witness is not necessarily wrong about every fact.
32. The Panel has been mindful that in relation to the disputed allegations, the evidence of [REDACTED] and the Officer's version of events are fundamentally irreconcilable in that the Officer denies that he was the aggressor and asserts that he only acted in self-defence. That being the case, in determining whether the AA has discharged its burden of proof, the Panel has carefully considered the reliability of the evidence of [REDACTED] balancing it against the Officer's version of events as set out in his interview and Regulation 31 response. The Panel has considered whether the evidence of [REDACTED] was internally consistent or inconsistent, and also the extent to which it was consistent with other evidence presented to it.
33. The Panel found [REDACTED] to be a reliable and credible witness who gave evidence that was consistent with his initial statements. He was clear and honest when he did not remember the answer to a question. He remained consistent under vigorous cross examination by Mr Stein and did not embellish details. The Panel considered the inconsistencies in [REDACTED] account such as where customers were in the lounge, the location of the staff room and the uniform that the Former Officer was wearing. The Panel determined these were minor discrepancies, none of which detract from the account that he was dragged into a room and assaulted. This is the main issue in this case and in this regard, [REDACTED] has been repeatedly consistent.
34. [REDACTED] gave an account that was also consistent with his initial explanations to his key workers. There are two accounts given to both [REDACTED] and [REDACTED] and there is little change between them. The Panel also placed weight on the Typed Domestic Violence Report and agreed with the AA's assertion that it stands as a near contemporaneous account of [REDACTED] version of events. The Panel also agreed that weight can be given to [REDACTED] witness statement as Mr Stein did cross examine [REDACTED] on the document itself and there has been no suggestion of fabrication by Mr [REDACTED]
35. In addition, the Panel did not consider [REDACTED] level of English to undermine his account in any way. While it has been clear at times that [REDACTED] does not understand legal terminology, he does have a reasonable level of English and the Panel could not conclude that he misunderstood or was confused when it came to describing an assault. [REDACTED] was clear that she could communicate with [REDACTED] in English once his level had improved and the Panel agreed with the AA that [REDACTED] has not sought to use his language skills as a means to revise his account to suit the evidence.
36. With regards to the wedding, Mr Stein placed great emphasis on the fact [REDACTED] attended a wedding at which the Former Officer was also present. The Panel did not

consider this to be a relevant factor as they found [REDACTED] credible witness and thus had no basis to doubt his assertion that he felt safe there.

37. The Panel also considered that if the Former Officer had been assaulted in the way he described, he would not have allowed [REDACTED] to continue working at a business where he was the owner.
38. The Panel also took into account the photos of [REDACTED] injuries and while the Panel noted that at times [REDACTED] did not specifically mention an injury to his foot, nonetheless he did state that he had injuries to his "whole body" and therefore the Panel placed no weight on this discrepancy.
39. The Panel also took into account Mr Stein's closing submissions that [REDACTED] had fabricated his account to make a first complaint to protect himself from any possible investigation. However, as this was not put to [REDACTED] in cross examination, the Panel concluded there was insufficient evidence to conclude that his was a malicious account.
40. The Former Officer however, has changed his account throughout the process. He did not mention any aspect of self-defence in his criminal interview and only later chose to state that [REDACTED] was the aggressor. The Former Officer stated that this was because he only had the benefit of full legal advice afterwards. However, the Panel considered that as a police officer, the Former Officer would have known the full implications of his actions at interview and therefore they placed little weight on this assertion, concluding that the Former Officer has changed his version of events to suit the narrative.
41. The Panel also took into account the Former Officer's non-attendance at this hearing. The Panel considered his reasons for not attending, namely that he was unable to get time off from work. The Panel reminded itself that, at the last hearing, the Former Officer stated clearly that he 'was keen to clear his name' and indeed, the hearing date was set far outside the timeframe set by the Regulations, in order for the Former Officer to attend in accordance with his new work pattern. The Panel therefore did not consider 'work' to be a suitable reason for not attending. In doing so, the Former Officer has not given evidence and has thereby avoided his evidence being challenged by questioning by Ms Chapman, or by clarification questions being asked by the Panel. The Panel were satisfied that there is a case to answer and as such, the Panel has attached less weight to his version of events as set out in his Regulation 31 response than would otherwise be the case had his evidence been subject to challenge and scrutiny by way of questioning.
42. Finally, the Panel did agree that the investigation could have been better, however, there has been no abuse of process argument put forward and any failings were not sufficient to undermine the repeated evidence of [REDACTED]. In addition, while the Panel reminded itself the burden of proof was on the AA, it also noted that the Former Officer did not provide any CCTV himself which could have corroborated his account and which he was in a strong position to provide.

43. Taking all of the above into account, and considering the evidence as a whole, the Panel were satisfied, on the balance of probabilities, that Former Officer Mukith did assault ██████████ in the way he described, and therefore find the allegation proved.

J: BREACH OF STANDARDS

44. Turning to the Regulation 30 Notice and the allegation found proved therein, the AA referred to the Standard of Discreditable Conduct. The Panel has carefully considered that standard and whether the conduct of the Officer has amounted to a breach of that standard.

45. The Panel applied the decision of Wyn Williams J in *Chief Constable of Wiltshire v Police Appeals Tribunal (Paul Woollard Interested Party) [2012] EWHC 3288 (Admin)* and noted that in order to prove a breach of the Standard relating to Discreditable Conduct it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient that the officer's behaviour had the potential to do so.

46. The Panel took into account that the Former Officer assaulted a member of his staff in a public lounge. Therefore, the Panel is satisfied that the Officer has breached the standard of Discreditable Conduct. The Officer has behaved in a manner which discredits the police service and undermines public confidence in the police service.

K: DECISION ON MISCONDUCT

47. The Panel heard representations from both the AA and the Officer as to whether the breaches amount to misconduct or gross misconduct.

48. When deliberating, the Panel has reminded itself of 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.

49. The Panel has carefully considered the circumstances of the case and the breach found. The Panel was particularly concerned by the fact this was a physical assault on a junior member of staff.

50. For these reasons, the Panel was entirely satisfied that the misconduct was properly to be categorised as gross misconduct.

M: DECISION ON OUTCOME

51. Regulation 42 (14) procedure provides that when considering the question of disciplinary action, before any such question is determined, the panel:

- a. Must have regard to the record of police service of the officer concerned.
- b. May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
- c. Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.

52. The Panel heard submissions from Ms Chapman and Mr Stein as to the appropriate outcome. The Panel also had sight of the Officer's service record.

53. The Panel has regard to the Outcomes Guidance and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public, to maintain confidence in the police service, and to declare and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Outcomes Guidance. The Panel approached its decision on outcome in three stages to determining the appropriate sanction:

Stage 1: Assess the seriousness of the misconduct.

Stage 2: Keep in mind the purpose of disciplinary action

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

54. In assessing the seriousness of the conduct found proven the panel have had regard to four issues namely

- a. The Officer's culpability
- b. The harm caused by the misconduct
- c. The existence of any aggravating factors
- d. The existence of any mitigation factors

Stage 1: Seriousness of misconduct

Culpability

55. The Panel took into account paragraph 4.09 which states:

Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

56. In addition, the Panel determined this to be intentional and deliberate, (para 4.10).

57. The Panel also concluded that as an assault has been proved, this is criminal in nature, they have taken this into account when considering the culpability of the officer, notwithstanding the absence of a criminal conviction.

58. Finally, it is a specific type of serious misconduct, violence, and at paragraph 4.40 it states: *"Misconduct involving violence....is serious and can significantly undermine public trust in the profession"*.

59. The Panel therefore concluded that culpability was high.

Harm

60. In considering harm, the Panel took into account that actual physical harm was caused. There was also psychological harm as [REDACTED] was left *"very scared"*.

61. The Panel also determined this is a type of reputational harm and took into account paragraph 4.66

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, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

62. The Panel therefore considered that harm was high.

Aggravating Factors

63. The Panel have identified the following aggravating factor:

- Abuse of trust, position, powers or authority (as the Former Officer was in a supervisory role to [REDACTED])

Mitigating factors

64. The panel identified the following mitigating factor:

- It was a single episode was of a brief duration

Stage 2: Keep in mind the purpose of disciplinary action

65. In considering the outcome, the Panel also bore in mind the purpose of the police misconduct regime which is threefold:

- (a) To maintain public confidence in, and the reputation of, the police service.
- (b) To uphold high standards in policing and deter misconduct.
- (c) To protect the public.

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

66. The Panel then went on to consider the outcome which would most appropriately fulfil the purposes of imposing sanctions in the light of the seriousness of the Former Officer's conduct. Given that the Officer is no longer serving, the Panel could only consider two possible outcomes: dismissal or no disciplinary action.
67. The Panel has determined that given the high level of culpability and harm the Former Officer would have been dismissed if he had not ceased to be a member of the Police Service.
68. **Right of Appeal.** In accordance with Regulation 43(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal. ("PAT"). The PAT may increase or decrease any penalty or overturn this decision.