

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:

POLICE CONSTABLE ROBIN BROWN

DECISION OF THE PANEL

Commander Jason Prins (Chair), Purnima Uppal (Independent Panel Member) and Steven Hearn (Independent Panel Member).

A: INTRODUCTION

1. The misconduct hearing for PC Brown was held in public between 7th-10th 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 PC Brown (“The Officer”) containing the allegations and that his conduct amounted to gross misconduct, namely:

Being a member of the Metropolitan Police Service

Allegation 1

1. *On or about 6th May 2024 you made a threat to Witness A telling her that “If you damage my property, I will set fire to your car”, or words to that effect.*
2. *You had no lawful excuse to make such a threat as made in paragraph 1 above*
3. *You intended that Witness A would fear that the threat you made in paragraph 1 above would be carried out*

Allegation 2

1. *On 28th June 2024, you attended the residential property of Witness B in You knew and/or could reasonably have been expected to know that Witness B opposed to you remaining on her property, and*
 - *You refused to leave the residential property of Witness B.*

2. On the 28th June 2024, having left the residential property of Witness B, you then used violence and/or force to secure or attempt to secure entry back into the residential property of Witness B, namely by :

Gripping the arm of Witness B and/or

By pulling Witness B.

3. The violence and/or force used by you in paragraph 2 above caused reddening to the arm of Witness B.

By reason of the matters set out above, collectively or individually, your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Discreditable Conduct in that you behaved in a manner that discredited the police service or undermined public confidence in the police service.

Your behaviour amounts to gross misconduct

C: REPRESENTATION

3. The Appropriate Authority (“the AA”) was represented by Dr Russell Wilcox. PC Brown was represented by Tilly Taylor.
4. The Panel would like to thank the representatives for their assistance throughout the case, including the provision of an opening note.
5. The Panel were assisted by Stacey Patel, Legally Qualified Advisor (LQA).

D: PRELIMINARY ISSUES

6. During the evidence of Witness B, she mentioned text messages sent by the Officer which were not part of the original bundle. As the messages were still available, these were adduced in evidence, and this was not opposed by the Officer. After hearing the evidence, the AA withdrew Allegation 2(1).

E: REGULATION 30 NOTICE

7. On the morning of the first day of the hearing, the Regulation 30 Notice as set out above was read out.
8. The Officer accepted making the threat referenced in Allegation 1 and that this amounted to misconduct, however denied that there was any intention behind it (limb 3). The Officer denied Allegation 2 in its entirety and his position was set out in the Regulation 31 response.

F: THE PANEL'S APPROACH

9. 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 constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the Officer amounted to misconduct or gross misconduct.

10. 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*'.

11. 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 by preventing similar misconduct recurring in the future.

12. 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 notes 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.

13. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - a. The Police (Conduct) (Amendment) Regulations 2024 (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 all 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.

G: EVIDENCE

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

- a. Hearing Bundle comprising of 160 pages, including the Officer's Regulation 31 Response
- b. The AA's opening note.
- c. BWV from PC Punton, PC Kirby and PCSO Timming.
- d. 999 Recording made by Witness B.
- e. Text/WhatsApp messages between the Officer and Witness B.

The panel also heard from the following witnesses:

- a. Witness B
- b. PC Punton
- c. PC Kirby
- d. The Officer

H: THE BACKGROUND

16. The first allegation is that on or about 6 May 2024 the Officer threatened Witness A by saying '*If you damage my property, I will set fire to your car*', without lawful excuse and intending her to fear it would be carried out. The second allegation is that on 28 June 2024 the Officer refused to leave Witness B's property, then used force to re-enter by gripping and pulling her arm, causing reddening.

I: EVIDENCE

17. The Panel heard evidence from four witnesses, it is not repeated here in full, but a general summary provided. The three AA witnesses adopted their witness statements as evidence in chief.

Witness B

18. In June 2024, she was living with the Officer at her address. She accepted he would call it home as he had all his property there, however he paid nothing towards the mortgage, bills or food. Upon arriving home after a holiday with the Officer, Witness B accepted letting him in so he could collect his belongings and leave as agreed. However, the Officer informed her that he could not get a van, said "*that's not how it works sweetie*" and informed her he would leave in the morning. Witness B denied throwing the Officer's belongings outside but rather that she placed some things outside in the communal hall. Witness B accepted that she attempted to put out the Officer's work bench but denied that she acted in an obstructive manner.

19. Witness B stated that she attempted to close the front door while the Officer's arm was in the way. She accepted she knew it was causing him harm and that this could have broken his wrist if she continued to do so. Witness B felt the situation was going to escalate and she was concerned that her children would see it. Whilst there have been no previous physical assaults from the Officer, she was worried about what would happen next. Once the front door was shut, Witness B heard the officer running to the patio door. When she got there, she was in the door frame inside the property, and the Officer was still outside. She believed he grabbed her to pull her to one side as two people can't enter at the same time, but she did admit it was 2024 and her recollection was not perfect. However, she said she was "very clear" that he grabbed her arm and that he pulled her. She denied trying to push the Officer out of the flat.
20. Witness B said she proceeded to call 999 as her instinct was just to get the Officer gone. She denied calling the police for her own convenience and she did not use her own knowledge as a police officer to get him out of the property. Witness B accepted saying on 999 that there had not been an assault but on re-examination was also taken to two occasions where she mentioned she had been pushed.
21. Witness B accepted not telling PC Kirby that she had been pushed and that the scratch on her arm could have been caused by the door. Witness B stated that it was only after PC Kirby completed a DARA assessment that she realised she had been assaulted. Initially, she was still trying to protect the Officer and avoid anything further. Witness B denied that she only made a formal allegation once she heard the Officer state she had committed ABH against him. She stated that the Officer only made this allegation to make her lose her job as he had previously threatened he would report her to the DPS. Witness B also accepted that she only mentioned the offence of violence to secure entry as that is what PC Kirby had told her.
22. Witness B exhibited numerous text messages where the Officer had threatened to report her to DPS. She explained some were text messages and some were from WhatsApp. Some were screenshots as the original messages had been deleted. Witness B explained that she took a photo of these messages as she was worried the Officer would do something about it as she was a probationer, however, she had no intention of using them as a weapon. Under cross examination, Witness B stated that she had never put the Officer's belongings out previously, she had only ever packed them on an agreed date. She accepted it was usually done on her terms but this was because she was a single mother of two children and on a shift pattern. Witness B did not consider that she had been obstructive but on reflection, accepted that she probably didn't make it easy.

PC Fraser Punton

23. Under cross examination PC Punton was taken to various parts of his BWV. He stated that he did not remember most of the details but accepted the incident as it occurred on the footage. He accepted that the Officer told him Witness B had laid with all her weight on the door while his arm was in it and that this is not in his statement. He also

accepted that the BWV demonstrates that Witness B did not tell him how she got the scratch on her arm and therefore his statement was incorrect. PC Punton explained the statement was made to the best of his knowledge several months later and was mainly in relation to photos. There was a “photobook of injuries” but was not sure exactly how many there were. PC Punton did accept it was an “iffy” situation as both parties were [REDACTED].

PC Claudia Kirby

24. PC Kirby was taken to various parts of the BWV which she accepted as correct. She also accepted that her statement does not mention there was no allegation of assault by Witness B after she went through the DASH assessment. PC Kirby also accepted that it's not in her statement that Witness B informed her she did not know if she was pushed or scratched. PC Kirby agreed that her Sergeant Rob Thomas initially told her to “*nick both parties*” but that she recommended to only arrest the Officer. PC Kirby explained that this is not unusual in DA (Domestic Abuse) incidents, Witness B appeared to have a defence and also, she had childcare issues although this was not the main factor. Finally, PC Kirby stated that she told Witness B the Officer would be arrested for common assault and not violence to secure entry.

PC Robin Brown

Allegation 1

25. Regarding the events on 6th May 2024, the Officer stated he went to Witness A's home address to collect belongings. There was a heated argument and Witness A informed the Officer that she had put sentimental items on the street. At this point, the Officer stated it was his “*zenith*” and he made the comment. The Officer stated it was a stupid throwaway comment, admitted it was disrespectful and he wished he hadn't said it. He accepted he knew it was a threat in law, but he didn't know why he chose those words, they just came out. The Officer said there was no intent behind it, [REDACTED], and it was 10ft away from the front door. The Officer also said he knew Witness A, she would not have believed the threat would be carried out and they have since spoken about it and he has apologised.

26. [REDACTED]. He now has a good support structure with his current GP and family. He was not represented at interview as he just wanted to co-operate and give an honest account.

Allegation 2

27. The Officer stated that prior to June 2024, he was living at Witness B's address and considered it his home. He had keys to the property, all his belongings were there, and he was registered for council tax.

28. They had gone on holiday and after an argument, had decided to separate. The Officer told Witness B that he would get a van that day and move his property. Witness B told

the Officer to make his own way back from the airport, so he borrowed money from his sister and took a taxi. When he arrived back at the property, Witness B let him in, and the Officer informed her he was going to stay the night as he could not get a van that day but would do so the following day when she was at work. The Officer accepted that Witness B asked him to leave and he refused, but this was because he did not want to leave without his belongings and he felt he had a right to be there.

29. Witness B then started to throw his belongings out of the front door into the communal hallway. The Officer put his arm in the door to keep it open while he retrieved his property, but Witness B shut the door against his arm and leant against it. This caused him significant pain and Witness B was aware of this. The Officer had to pull his arm out of the door, and Witness B then shut the door which left him in the hallway. He walked to the patio door, stood inside the door and witness B proceeded to run across the front living room and “cannoned” into him. The Officer said he stood there not knowing what to do, he wanted his phone and warrant card which were in the property as his life was in there. The Officer denied that he was furious, but rather he was upset. The Officer denied that Witness B was at the door when he arrived at the patio and he did not push or pull her, stating this would have been impossible due to the location of the sofa.
30. Regarding the text messages, the Officer said it was just one snapshot of the many conversations between them and these had been “cherry picked” to paint him in a bad light. The Officer accepted the reference to DPS was a badly worded message, but it needed to be considered in the entirety of the conversation where he was concerned that Witness B would leave his belongings out on the street.

J: FINDINGS OF FACT

31. In making its findings of fact, the Panel had regard to all the documents contained in both the Regulation 30 and 31 Bundle, the BWV footage, 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.
32. The panel heard advice from the LQA.
33. 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.

34. The Panel was also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence, but 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. 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)*
35. The case of *Joseph v GMC [2022] EWHC 3345 (Admin)* also reminds panels that "Where memory is concerned, strength and vividness are not a reliable indicator of accuracy, the process of litigation itself creates biases, emotion and rationalisation must be allowed for, and demeanour is not a sure guide to truthfulness."
36. 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.
37. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, it must not speculate about what other evidence there might have been.
38. Turning to the Allegations, the Panel found Allegation 1(1) and (2) proved on the basis of the Officer's admissions.
39. With regards to allegation 1(3) the Panel reminded itself that the onus was on the AA to prove intent. The Panel considered the Officer's oral evidence and concluded it was a clear and credible account. He has given consistent evidence through the investigation, and the Panel accepted that it was a heated debate and the comment was made in the spur of the moment. The Panel took into account the redaction email from Witness A and the messages between the Officer and Witness A, and while the Panel reminded itself that it was not relevant what Witness A thought would happen, they nonetheless added credibility to the Officer's account that there was no intent to cause fear, especially as Witness A said in the text message: "*I don't believe you are thinking straight.*" The Panel also noted that the Officer was never asked in interview whether he intended Witness A to fear the threat would be carried out and therefore this did not assist them.
40. Overall, the Panel concluded that the AA had not proved the Officer's intent to the requisite standard and therefore find Allegation 1(3) not proved.
41. Turning to Allegation 2, the Panel found Witness B to be a credible witness. She was consistent under cross examination, did not exaggerate and was not evasive in answering. In addition, she accepted the parts of the BWV that contradicted her account and did so without trying to justify them.

42. However, the Panel also found the Officer to be a credible witness. The Panel agreed with Dr Wilcox when he stated that his account has been internally consistent through all stages of the investigation, from his initial account to the police which was seen on the BWV to his Regulation 31 response, and he remained so under vigorous cross examination by Dr Wilcox.

43. The Panel therefore looked at the external evidence to see if the AA had proved their case. It concluded that the 999 call also did not give the Panel a clear picture:

- 49: Speaker 2 (Witness B): *No, he, he had his arm, on the door and I tried to close the door, so he's probably gonna say he's hurt or something, but I've got a scratch on my arm as well, so..*
- 111: Speaker 2: *He's pushed me back into the property. He tried to force his way in....*
- 117: Speaker 2: *.....it's not an assault or whatever. I'm an [REDACTED] so I know what that is....*
- audio 16.37: Speaker 1: *When he was leaving, did he touch you? I know you said there was pushing. Was there actually like pushing?*
Speaker 2: *No, no*

44. This is also demonstrated on the BWV where Witness B gave differing accounts to officers as to how she was scratched on her arm:

- Kirby BWV 2.25 - *Are you injured at all?*
Witness B *shakes her head*
- Kirby BWV 3.49 - *Has he done that with his nails?*
Witness B - *I cannot remember*
Kirby - *Or is it like from the door?*
Witness B - *It could be the door, it could be anything. I just, tried to stop him coming back in*
- Kirby BWV (2) - 8.37
Witness B - *He tried to get in, and I was in front of him, so was it a push, was it a scratch, I don't know. I'm going to be honest, I don't know*
- Punton BWV- 8.09
Witness B - *... you've scratched me as well.*

45. The Panel were therefore unable to consider these documents determinative in deciding which witness to believe. The Panel did not consider Witness B to be an uncredible witness, however there was no evidence before them that also undermined the Officer's version of events since he too was a credible witness. The accompanying documents in the bundle did not assist the Panel to tip the balance in

either direction and therefore they were left in a position where they simply did not know which account to prefer.

46. Taking this into account, the Panel therefore concluded that the AA have not proved their case on the balance of probabilities and therefore find Allegations 2 (2) and (3) not proved.

K: BREACH OF STANDARDS

47. Turning to the Standards of Professional Behaviour, the Panel was satisfied that the Officer has breached the standard of Discreditable Conduct based on his admissions of Allegations 1(1) and (2). The Officer has behaved in a manner which discredits the police service and undermines public confidence in the police service.

L: DECISION ON MISCONDUCT

48. The Panel heard representations from both the AA and the Officer to whether the breaches amount to misconduct or gross misconduct.
49. 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.
50. Taking all of the above into account, the Panel considered the conduct found proved to be serious enough to justify disciplinary action and was satisfied that it be categorised as 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 Dr Wilcox and Ms Taylor as to the appropriate outcome. The Panel also had sight of the Officer's service record,

53. The Panel had 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 in 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. Turning to culpability, while the Panel found there was no intent to cause fear with regards to Allegation 1 and accepted this was something said in the heat of the moment, nonetheless, in evidence the Officer admitted that he "*should have known better*" which denotes culpability. Police officers are required to act in stressful situations and remain calm and therefore the Panel could not conclude the Officer had no culpability.

56. For this reason, the Panel determined that culpability was low.

Harm

57. In considering harm, the Panel accepted there was no actual or psychological harm to Witness A. However, the Panel did determine 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.

58. The Panel considered that if a member of the public were to hear a police officer speaking to an individual in that manner, regardless of intent, they would be very concerned. Police Officers are held to a higher standard concerning their behaviour, and the Panel therefore concluded that harm was medium.

Aggravating Factors

59. The Panel have identified the following aggravating factor:

- Vulnerability of victim, this was a DA incident in Witness A's own home with threats against her personal property.
- The Panel considered if this was a type of violence against women and girls but concluded that as there was no intent behind the comment and it was said in the spur of the moment, this did not apply as an aggravating factor.

Mitigating factors

60. The panel identified the following mitigating factors:

- It was a single episode of short duration.
- Open admissions at an early stage.
- Evidence of genuine remorse, insight and/or accepting responsibility for one's actions

Personal mitigation

61. The Panel has also considered the Guidance which states that personal mitigation is to be taken into account, however its impact will be limited in police misconduct hearings because of the need to maintain public confidence in the police. Mr Justice Burnett in *Salter -v-The Chief Constable of Dorset [2012] EWCA Civ 1047 and [2011]EWHC 3366(Admin)* at paragraph 73 concluded:

'... the correct approach for a decision maker is to recognise that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonesty. That terminology itself recognises that there may be exceptions. In concluding that the case is exceptional, the decision maker must identify the features of the circumstances of the misconduct which support a different conclusion, recognising that the number of such cases would be very small. The decision maker would take account of personal mitigation but must recognise its limited impact in this area.'

62. Nevertheless, the panel considered the Officer's evidence that he was suffering from [REDACTED] at the time.

Stage 2: Keep in mind the purpose of disciplinary action

63. 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.

64. 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 officer's conduct. The Panel considered all the available outcomes, starting with the least serious. The Panel has considered first whether a Written Warning would suffice.

65. Taking the case as a whole, the Panel considered this to be a proportionate outcome in this case and considered that this sanction would be sufficient to maintain public confidence in the reputation of the police service as they have already marked the gravity of the officer's conduct by its finding of Misconduct.

66. **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.

Commander Jason Prins – Chair

Purnima Uppal - Independent Panel Member

Steven Hearn - Independent Panel Member

20th April 2026