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

CM/1087/21

BETWEEN:

THE COMMISSIONER OF POLICE OF THE METROPOLIS

The Appropriate Authority

-and-

FPC Benjamin MOORE

The Officer Concerned

NOTICE OF OUTCOME ACCELERATED POLICE MISCONDUCT HEARING (REGULATION 63 POLICE (CONDUCT) REGULATIONS 2020)

Officer concerned: Former Police Constable (FPC) Benjamin Moore

Date of hearing: 9th October 2026

Name of person chairing: Former Commander Jason Prins

[References in this decision to the Conduct Regulations are to the Police (Conduct) Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2024 and the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025. The Appropriate Authority is referred to as AA].

The Decisions of the Accelerated Misconduct Hearing

Summary

1. The Allegations were found proved. It was determined that FPC Moore's conduct had fallen below the standards expected of a serving police officer such as to contravene the Standards of Professional Behaviour and amount to gross misconduct. It was determined that were FPC Moore still a serving officer, the only viable outcome would be dismissal without notice.

Attendees

• FPC Moore did not attend and was not represented.
(Federation Representative Keith Malda provided a very full Reg 54 response, which confirmed FPC Moore would not be in attendance and would not be represented at the hearing, but did not seek an adjournment.)
• The AA's case was presented by Molly Nairn
• I was assisted by a legally qualified adviser, Miss Elisabeth Acker.
(She confirmed her role was to advise as to the law and assist with drafting, but to take no part in decision making.)

Evidence and documentation

2. I was provided with the following evidence and documentation:

From the AA:

i) Special Case Certificate
ii) Form 3355D
iii) Investigation Report
iv) Regulation 17 notice – signed 14th February 2022
v) Certificate of Conviction
vi) MG4D Notice of Criminal Charge
vii) Notice of Financial Penalty dated 30 March 2026
viii) Statement of DC Karen Thorniley dated 30 March 2026
ix) Arrest statement of PC Tarcia Abreu dated 13 February 2022
x) Statement of PC Pollyanna Gallacher dated 27 August 2025
xi) Statement of PC Mathew Smith dated 26 June 2025 (examination of images found)
xii) Statement of OIC DS Andy Thain dated 31 July 2026
xiii) (At the point of deciding on outcome, FPC Moore's service record was provided.)

From or on behalf of FPC Moore:

(a) Regulation 54 response dated 24th September 2026

Allegations

3. The allegations against FPC Moore were as follows:

"On 30 March 2026, at Bromley Magistrates' Court, you pleaded guilty to one count of the criminal offence of Voyeurism - Recording a Private Act, contrary to sections 67(3) and 67(5) of the Sexual Offences Act 2003.

Following your guilty plea, the Court sentenced you to a financial penalty totalling £803.

Particulars

On the 29/06/2019 at Welling in the Borough of Bexley, you recorded another person doing a private act with the intention that you would, for the purpose of obtaining sexual gratification, look at an image of that other person doing the act, knowing that the other person did not consent to your recording the act with that intention

Standards of Professional Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024 and 2025, namely:

- Discreditable conduct

In that you behaved in a manner likely to bring discredit upon the police service and undermine public confidence. As a result of that stated herein, if proven, your conduct amounts to gross misconduct and your dismissal may be justified."

Preliminary matters

Public proceedings:

4. I confirmed that in advance of the proceedings, the former officer had been supplied with the hearing documents in accordance with Regulation 56 of the Police Conduct Regulations 2020 (as amended). I determined that the hearing ought to be held in Public, and the victim of FPC Moore's offending was entitled to lifelong anonymity in line with the position in the criminal courts.

Proceeding in the absence of FPC Moore:

5. I noted FPC Moore's absence. Nobody attended to represent FPC Moore.
6. In the Regulation 54 Response, Federation Representative Keith Malda foreshadowed that this would be the case. He confirmed FPC Moore was aware of the hearing and his right to attend but chose not to do so. Federation Representative Keith Malda himself could not attend due to another professional commitment. FPC Moore had declined for an alternative representative to be allocated or an adjournment to be sought, as he favoured not disclosing the circumstances further (i.e. to another representative) and he wanted a swift resolution of matters so he could move on.
7. As a former officer, Regulation 57 does not apply to FPC Moore.
8. I was advised I could not proceed in the absence of FPC Moore if I considered Reg 61(2) was engaged.[1]
9. I was satisfied that the requirements in Regulations 51 to 53 of the Conduct Regulations as to service had been met. Further, I was satisfied FPC Moore had been informed and advised of the nature and potential outcome of the hearing.
10. The Legal Advisor advised me as to the principles arising out of *General Medical Council v Visvardis [2016] EWCA Civ 162*, and the factors to be weighed up when exercising the discretion to proceed in the absence of a respondent in disciplinary proceedings (per *R v Hayward [2001] EWCA Crim. 168* as qualified by the House of Lords in *R v Jones [2002] UKHL 5*.)
11. I noted that FPC Moore has resigned from the police and neither wished to attend today, nor sought an adjournment to attend in the future. I considered although FPC Moore was not represented today, his position was comprehensively detailed in the Regulation 54 response. I decided it was fair and proportionate to exercise my discretion to proceed in FPC Moore's absence.

Advice on facts and gross misconduct

12. Regulation 61 does not separately address deciding on the facts of the allegation and deciding on whether those facts if found amount to misconduct.[2]

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[1] *61(2) The accelerated misconduct hearing must not proceed unless the officer concerned has been notified of the effect of regulation 8(1) to (3) in relation to an accelerated misconduct hearing.*
[2] *61(15) The person conducting or chairing the accelerated misconduct hearing must review the facts of the case and decide whether or not the conduct of the officer concerned amounts to gross misconduct*.

13. It is matter of natural justice that I must first decide whether I am satisfied of the facts. The standard of proof is the civil standard. The burden of proof rests with the AA. FPC Moore's acceptance of the facts is something I may have in mind.
14. I was advised that at the outset of the hearing I must give the officer the opportunity to confirm whether they accepted gross misconduct.[3] Here, in the absence of FPC Moore, I could bear in mind what was said in the Reg 54 response. In the Reg 54 response, FPC Moore accepts that he has breached the professional standard of discreditable conduct and that this breach amounts to gross misconduct.
15. I was advised that no finding could be made that the alleged conduct amounted to gross misconduct unless I was either satisfied on the balance of probabilities that this was the case or the officer admitted it was the case, per Regulation 61(16). [4]

Background

16. FPC Moore joined the police in September 2019. He resigned in 2022.
17. On 29th June 2019 he took a photograph of another individual in a state of undress in a dressing room at a **[Redacted]** without that individual's knowledge or consent.
18. Matters came to light when another police officer disclosed that FPC Moore had communicated to her over text message that he had taken photographs in this way. During the investigation, she provided screengrabs of what FPC Moore wrote: *"I got good at taking pics of guys **[Redacted]** at one stage in **[Redacted]** don't judge me lol", "He doesn't do dick pics or hasn't anyway. I had to take a picture ok the **[Redacted]** once I know its bad but honesty its massive".*
19. As a result, FPC Moore was arrested and interviewed on 10th February 2022. During his interview he was represented by a criminal solicitor and his Federation Rep Keith Malda and answered no comment to all questions.

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[3] *(5) At the beginning of the accelerated misconduct hearing, the person conducting or chairing the accelerated misconduct hearing must give the officer the opportunity to say whether or not the officer accepts that the officer's conduct amounts to gross misconduct.*

[4] *(16) The person conducting or chairing the accelerated misconduct hearing must not find that the conduct of the officer concerned amounts to gross misconduct unless—*

(a)they are satisfied on the balance of probabilities that this is the case, or

(b)the officer admits it is the case.

20. During the police investigation in June 2022, the download of FPC Moore's mobile telephone was found to contain four photographs of individuals in a state of undress. Police enquiries confirmed the location of these photographs was the dressing room at a **[Redacted]**.
21. A representative of that **[Redacted]** was able to identify three males in the photographs recovered from FPC Moore's telephone, one was a **[Redacted]**, two were **[Redacted]**.
22. One of the identified individuals confirmed to police one of the photographs was of him, at the time he had no knowledge it was being taken, and he did not consent to it being taken. He communicated to police his concern as to what had happened with the photograph in the intervening period.
23. The other identified individuals declined to support the police investigation.
24. FPC Moore was again interviewed on 2nd August 2022 assisted by the same representatives as in the last interview and answered no comment to the majority of questions put.
25. FPC Moore was charged with voyeurism and attended Bromley Magistrates' Court on 30th March 2026 for his first appearance at which he entered a guilty plea to one charge of voyeurism. He was sentenced to a fine of £653.

Findings of fact

26. I have had sight of the police statements and the certificate of conviction.
27. I find the factual particulars of the allegation proven: *On 30 March 2026, at Bromley Magistrates' Court, you pleaded guilty to one count of the criminal offence of Voyeurism - Recording a Private Act, contrary to sections67(3) and 67(5) of the Sexual Offences Act 2003.Following your guilty plea, the Court sentenced you to a financial penalty totalling £803. Particulars: On the 29/06/2019 at Welling in the Borough of Bexley, you recorded another person doing a private act with the intention that you would, for the purpose of obtaining sexual gratification, look at an image of that other person doing the act, knowing that the other person did not consent to your recording the act with that intention*
28. I find as a matter of fact FPC Moore was convicted (by his plea) of voyeurism. The circumstances of that conviction were FPC Moore took a photograph of an individual in a state of undress in a dressing room without that individual's consent or knowledge

29. I noted that by his plea FPC Moore accepted he had taken a photograph of a person doing a private act and he had done so for the purpose of obtaining sexual gratification and knowing the other person did not consent to it.
30. I did not find any facts relating to the other photographs. They were not the subject of the criminal charge or the allegation drafted for these proceedings, and I noted there was an absence of evidence that the other photographed individuals were unaware or unconsenting.
31. Therefore, I proceeded to consider the breach of the Standards and gross misconduct based on the single photograph that was the subject of the conviction.

Breach of standards

32. I am satisfied on the balance of probabilities that the actions of FPC Moore breached the Standards of Professional Behaviour (Discreditable Conduct).
33. For a police officer to be convicted of voyeurism is self-evidently discreditable to the police

Gross misconduct

34. I was reminded "*"gross misconduct" means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal, and for the purposes of these Regulations conduct which has resulted in conviction of an indictable-only offence is to be taken to constitute such a breach"*
35. I was advised voyeurism is an either way offence, so I still have a discretion as to whether FPC Moore's conviction amounted to gross misconduct. The decision for me was whether the breach was so serious as to justify dismissal – if it did it was gross misconduct, if it did not it was not.
36. In terms of seriousness, I considered FPC Moore's culpability. I find FPC Moore deliberately took a photograph of another in a state of undress in a dressing room where they are entitled to an expectation of privacy. This act was intentional and deliberate. I find FPC Moore did this for his own gratification and did it knowing the subject of the photograph was not aware and not consenting. I considered from the messages sent FPC Moore knew what he did was wrong, but even some time after treated his

deliberate violation of another as comical or trivial (in text messages to the police colleague who reported him).

37. An officer convicted of a criminal offence is an especially serious type of misconduct. I find culpability to be high.
38. Under seriousness, I also considered harm. The most serious harm here is to the individual who was photographed. His statement reflects his understandable emotion that such a photo was taken in the circumstances it was, and further anxiety as to what has happened to that photograph since.
39. There is also potential damage to public confidence and reputational harm to the police. It is acknowledged that FPC Moore was not a police officer when he committed the offence and was not an officer by the time he attended his first appearance.
40. However, this can only provide a small diminution in the seriousness of the potential damage to public confidence in policing and reputational harm to the Metropolitan Police Service. It is clearly reputationally damaging for police to have unknowingly admitted an officer who had recently committed a sexually motivated criminal offence and further for him to have been a serving officer when the investigation began.
41. I find harm to be high.
42. I am satisfied on the balance of probabilities that the actions of FPC Moore do amount to gross misconduct.

Findings on outcome

43. A copy of FPC Moore's service record was provided by the Appropriate Authority.
44. I received the advice of the Legal Adviser to consider the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. I was advised to have in mind the 'three stage process' as outlined within the College of Policing Guidance, namely, to assess the seriousness of the misconduct; to keep in mind the purpose of imposing sanctions; and to consider the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question.
45. I was also advised as to the wording of Regulation 62 of the Police Conduct Regulations 2020 (as amended).

Decision on Outcome

46. Careful consideration was given to all of the documentary materials together with the submissions made by the Appropriate Authority and advice provided by the Legal Adviser. In making my decision on outcome, I adopted the three-stage process, as outlined in the College of Policing's Guidance on Outcomes.
47. *Seriousness:* I bore in mind that the first stage in determining the appropriate outcome is to assess the seriousness of the conduct. This is assessed by reference to: (i) the officer's culpability; (ii) the harm caused by the misconduct; (iii) the existence of aggravating factors; (iv) The existence of mitigating factors.
48. *The purpose of the police misconduct regime:* The second stage requires me to keep in mind the purpose of the police misconduct regime. I reminded myself that this has three elements: (i) to maintain public confidence in, and the reputation of the police service; (ii) to uphold high standards and to deter misconduct, and (iii) to protect the public. I further reminded myself 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.
49. *Appropriate Sanction*: The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.

Stage 1: the seriousness of the conduct

50. ***Culpability***: as above, I considered FPC Moore's culpability.
51. ***Harm***: as above, I considered the harm.
52. ***Aggravating Factors***: the concerning factors noted under culpability and harm are not double counted as aggravating. None further were identified.
53. ***Mitigating Factors***: FPC Moore's swift resignation, early guilty plea, and clear remorse.
54. **Conclusion on Seriousness**: Taking all these matters into consideration, I assessed the seriousness of the conduct as high. FPC Moore knowingly criminally violated another's right to privacy in a space where he was vulnerable and entitled to expect the respect and decency of others. He did so for his own gratification and knowing it was a violation. Yet even some time later he seemed to consider it comical or trivial

Stage 2: the purpose of the misconduct regime

55. I considered the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case. The police misconduct regime is not

designed to punish police officers; it is about the reputation and standing of the profession as a whole. It is to uphold standards and to ensure that the public is protected.

56. Protecting the public: harm was caused to a member of the public by FPC Moore's criminal act.
57. Maintaining public confidence: the fact a man who had recently committed a sexually motivated offence was admitted to the police (without Met knowledge) is highly likely to damage public confidence in the police, as is the fact that when he was first investigated, he was a serving officer.
58. Upholding standards of behaviour: FPC Moore's criminal conduct seriously departs from the expected standards of a serving police officer. A departure from the requisite standards of conduct requires an appropriate response to uphold standards of behaviour.

Stage 3: the appropriate outcome

59. I considered the officer's record of service.
60. I considered the wording of Regulation 62 (as amended) that makes clear that in a case where gross misconduct has already been established, unless the decision maker is satisfied that there are exceptional circumstances to justify a different outcome, a sanction of dismissal without notice is required.
61. Having considered this case carefully, I was unable to identify any exceptional circumstances to justify a different outcome. My decision therefore is that had FPC Moore not already resigned, dismissal without notice would be the only viable option in his case.
62. In any event, having considered the nature and seriousness of FPC Moore's conduct together with the severity of the breach of the Standards of Professional Behaviour, I was satisfied that no lesser sanction than dismissal would be appropriate.
63. The Appropriate Authority is directed to inform the College of Policing that FPC Moore's name should be recorded on the police barred list.

Decision on Publication

64. Having further considered the submissions on publication from the AA, it is further directed that this decision shall be published in accordance with Regulation 63(5) of the Police (Conduct) Regulations 2020 (as amended).

Chairperson's signature: Commander Jason Prins

Date: 14 October 2026

Right of Appeal

A police officer has a right of appeal against any disciplinary finding and/or disciplinary outcome imposed at an Accelerated Misconduct Hearing held under the Police (Conduct) Regulations 2020 (as amended). Notification of this right of appeal is provided in accordance with Regulation 63(2) of the Police (Conduct) Regulations 2020 (as amended).