Detective Inspector Jason Colby Warrant No: P205473

Accelerated Misconduct Hearing Finding and Outcome

Regulation 63(1) Report

1. This matter comes before me as an accelerated misconduct hearing under Part 5 of the Police (Conduct) Regulations 2020.

2. The hearing was conducted by me, Commander Colin Wingrove, on 8 October 2026 in person at Patrick Dunne House, Chalk Way Pit, Sutton, SM1 4RD.

3. I have had the benefit of the papers in advance of today and read them carefully before the hearing started, including the screenshots of the WhatsApp messages exhibited within the bundle.

4. I am satisfied that the required notices under the Police (Conduct) Regulations 2020 have been served. These are matters which have not, in any case, been disputed before me.

5. I am satisfied DI Colby has been properly served with the papers, which were served on him via his federation representative on the 30 September 2026, and Regulations 51 to 53 of the Police (Conduct) Regulations 2020 have been complied with.

Hearing in Public

6. The hearing was held in public pursuant to Regulation 59(1) of the Police (Conduct) Regulations 2020, as amended.

Representation

7. DI Colby has attended the hearing and was represented by Counsel, Mr Austin Stoten, and supported by his federation representative, A/DCI Damian Hill. DI Colby provided a Regulation 54 response dated the 9 October 2026.

8. The Appropriate Authority was represented by Counsel, Ms Louise McCullough, and Case Manager, Ms Hannah Clark.

9. I was advised by a Legally Qualified Person, Ms Shah who provided her advice on the record.

The Allegation

Allegation 1

10. It is alleged that, in February 2026, whilst serving as a police officer, you sent a message via WhatsApp to your line manager for the purpose of notifying them that you were unfit for duty due to illness. It is further alleged that, at or around the same time, you sent the same message to a WhatsApp group used by supervisors, namely "CE DIs".

    Particulars:

    i. In the message, you stated, "It's gonna sound racist but..." before making further comments regarding a group of passengers. It is alleged that this comment acknowledged the potentially inappropriate nature of the remarks that followed.

    ii. You referred to the passengers as "40+ Indians/Asians" and stated that you believed you had contracted your illness following contact with them, specifically referring to the alleged hygiene and behaviour of the group of passengers as a whole.

    iii. It is alleged that the reference to the ethnicity of the passengers was unnecessary in the circumstances and that, when viewed in the context of the message as a whole, the comments were inappropriate and capable of causing offence.

    iv. It is further alleged that the message was sent not only to your line manager but also to a supervisory WhatsApp group, thereby increasing the audience to whom the comments were communicated.

Allegation 2

11. It is alleged that, in a subsequent WhatsApp message, you stated that you were "just monging on sofa" whilst recovering from illness.

    Particulars:

i. It is alleged that the term used was inappropriate and capable of causing offence, particularly to individuals with disabilities or learning difficulties.

Professional Standards of Behaviour

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

    (i) Discreditable Conduct
    (ii) Equality and Diversity
    (iii) Authority, Respect and Courtesy

13. In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.

14. As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct, and your dismissal may be justified.

The Hearing

15. I have listened to the case presented on behalf of the Appropriate Authority by Ms McCullough and the submissions on behalf of DI Colby by Mr Stoten.

Facts

16. The main issues of fact which I have to decide is whether the Appropriate Authority has proved on the balance of probabilities the allegations against DI Colby. I set out the relevant facts below.

17. DI Colby is a Detective Inspector of 25 years' service, posted to Central East BCU. On the 21 February 2026, within hours of returning from a family holiday in Tunisia, DI Colby and members of his family, including his two young children, became unwell.

18. On Sunday the 22 February 2026, DI Colby posted a message in the "CE DIs" WhatsApp group, a group used by the Detective Inspectors and an Inspector on Central East BCU predominantly for work-related handovers. At the material time

the members were DI Colby, Officer B, Officer C, Officer D, Officer E and Officer F. The message, last edited at 13:49, gave notice that DI Colby may not attend a duty shift the following day. Within it, DI Colby stated:

19. *"Its gonna sound racist but i put it down to the 40+ Indian-asians sat around us eating hot packed food (fk knows where they got it from) ... who i also believed ruined one of the toilets & also included the 10yo boy sitting next to me, regularly putting his hands down back of his pants having a good scratch, inspecting it & then eating it ... which was enough to make me heave on its own"*

20. On the morning of Monday the 23 February 2026, DI Colby copied the message and sent it directly to his line manager, Officer A, in reporting sick. That version contained the same passage, with the additional words *"but admire their ingenuity"* following the reference to the packed food.

21. At 14:46 on the 23 February 2026, DI Colby posted a further message in the group offering to cover authority emails and calls, stating*: "Just monging on sofa into my 100th email of 300+".*

22. At 14:49, Officer B challenged the earlier message within the group*: "Regarding your earlier text, it was not called for, out of context it sounds really bad. Sorry to be the bore but I wasn't happy when I read it."* Officer C then posted a challenge asking DI Colby to *"take a beat and reflect on the wording of your messages",* noting that DI Colby had himself identified that the comments could be construed as racist, that they were not relevant and *"came across as gratuitous".* (Officer C also drew attention to a recent matter in which an officer had been referred to the DPS for using the word *"mong"* towards a member of the public.)

23. At 15:05, DI Colby replied that he took the challenge on board, *that "at no point was i intending to denigrate any particular group"*, and that he had used the term *"Indian-Asians"* to differentiate from other Asian categorisations. He stated that he *"would stick with the view we were ill due to that group", apologised "if my message was read in a way it was not intended"* and stated he would not want to offend or bring into question colleagues' integrity. DI Colby then left the group.

24. Officer A had left her phone at home on the 23 February 2026 and read DI Colby's direct message that evening. At 18:32 she replied that she was concerned about the content and the way it was framed. At 18:53, DI Colby responded that the group were *"visibly people of 'Indian-Asian' ethnicity (rather than Oriental Asian)"*, that he was *"99% sure they had a bug between them",* that *"it is a logical assumption regardless based on their behaviour",* and that he was distinguishing *them "from the Thai group further down the plane or the 3-4 black or white ethnicity families who were not ill".* The following day, Officer A sought advice from the BCU Professional Standards SPOC and submitted an MM1.

25. Officer A initially understood that DI Colby had sent the message to her after he had been challenged by colleagues. She has since corrected that understanding and accepts that the direct message to her pre-dated the challenges in the group. I proceed on that corrected basis.

26. Within approximately 48 to 72 hours of the message, DI Colby contacted Officer D, who is of Indian heritage, to apologise and to ask whether he had caused offence. Officer D accepted the apology.

27. On service of the Regulation 17 notice on the 29 April 2026, DI Colby stated, *"I accept I sent the message; I was very tired at the time, me and my family were very ill".*

28. In his statement under caution dated the 9 June 2026, DI Colby accepted sending the messages but denied that they were racist or discriminatory. He maintained that the ethnic reference was a physical descriptor intended to identify the group on a diverse flight, accepted that the messages could have been worded better and set out the diversity and inclusion learning he had since undertaken.

29. If these allegations are proven, then I must decide whether it amounts to breach of the following standards of behaviour:

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

- Equality and Diversity – Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

- Authority, Respect and Courtesy – Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Officer's position

30. DI Colby has provided a response under Regulation 54 and adopted the contents of that response in his evidence. DI Colby provided details as to his role and career within the police service. DI Colby set out his interactions with, and assistance provided to officers from various ethnic backgrounds, providing a concrete example about an Asian officer whom he has supported and a female officer whom he has supported.

31. DI Colby explained in great detail his interactions on holiday and on his return flight, as well as his observations regarding fellow passengers.

32. DI Colby accepts that he sent both messages, does not dispute the screenshots, and accepts that the first message was sent both to the CE DIs WhatsApp group and directly to Officer A.

33. DI Colby denies that the first message was motivated by racial prejudice, or that he intended to express hostility towards, or denigrate, Indian or Asian people. He maintains that he was attempting, clumsily, to describe the particular group of passengers whom he believed had transmitted the illness, and that he was exhausted and caring for his unwell family at the time.

34. In his Regulation 54 response DI Colby accepts, with hindsight, that the reference to ethnicity was unnecessary to the purpose of reporting sick and capable of causing offence, and that the opening phrase demonstrated an awareness that his wording could be misunderstood. However, in evidence DI Colby appeared to move away from this acceptance. His regret appeared limited to putting his colleagues in a position where he had to report the conduct. He accepts that the expression "monging" could be inappropriate, albeit he seeks to rely on the dictionary definition, which DI Colby advanced means ‘lying around stupefied’.

DI Colby appears to try and minimise the use of this language by reference to another term such as ‘vegetable’. DI Colby accepted he should not have been used in a professional WhatsApp group and on his behalf, it is made clear that he did not use the word in reference to disability. It is also noted that immediately following the exchange with his colleagues DI Colby apologised to them.

35. DI Colby does not accept that either allegation, individually or cumulatively, amounts to gross misconduct. His case is that, if breaches of the Standards of Professional Behaviour are found, the proper characterisation is misconduct, and the matter should be dealt with accordingly under the Regulations.

36. Since the incident, DI Colby has undertaken remediation steps, such as training courses. He has had robust conversations with individuals from different backgrounds, and he has continued to support individuals from diverse backgrounds within the job. As to his communication style, DI Colby sets out that he now ‘says less’. He likes to tell a story but appreciates he needs to give consideration to his language.

37. In line with Regulation 61(7) and Regulation 61(8), I have carefully considered submissions from the Appropriate Authority and from those representing DI Colby.

Decision on Finding

38. I have applied Regulation 61(15) and carefully listened to the case presented by the Appropriate Authority and carefully considered the documentary evidence provided to me. I have also carefully considered the Regulation 54 response, DI Colby’s evidence and the representations made on behalf of DI Colby by Mr Stoten.

39. The facts of both allegations are, in substance, admitted. The messages are evidenced by contemporaneous screenshots, and DI Colby has never disputed authoring or sending them. I find the facts of Allegation 1 and Allegation 2 proven as outlined by the Appropriate Authority.

40. As to Allegation 1, I have found that the reference to the ethnicity of the passengers was entirely unnecessary to the purpose of the message, which was

simply to notify colleagues and his line manager of a possible sickness absence. DI Colby did not merely identify a group of passengers. He attributed his family's illness to a group defined by its ethnicity and coupled that description with derogatory observations about eating *"hot packed food (fk knows where they got it from)",* ruining a toilet, and a graphic description of a child's personal hygiene. Read as a whole, the message is capable of being understood as associating an ethnic group with uncleanliness and disease. That is a racial stereotype, and it is capable of causing real offence.

41. The prefatory phrase *"It's gonna sound racist but"* is significant. In my view, it demonstrates that DI Colby recognised, before he sent the message, that the words which followed were capable of being perceived as racist, yet he chose to send them nonetheless, to a group of fellow supervisors and to his line manager. As Officer B put it, when you put a warning such as that, you know the message you are about to send could be misconstrued.

42. I have also had regard to DI Colby's response to Officer A at 18:53 on the 23 February 2026, which was sent after he had been challenged by Officer B and Officer C. Rather than reflecting, DI Colby maintained that his conclusion was *"a logical assumption"* and further categorised other passengers on the flight by ethnicity. Similarly, in his reply to the group, whilst he apologised, he stated that he *"would stick with the view"* that the group was responsible, and he reiterated this in evidence before me. In my view, these replies show that, at the time, DI Colby did not fully appreciate why his language was inappropriate and even on reflection, he has demonstrated limited insight by being incapable of recognising that pairing certain stereotypes with an ethnic group is unacceptable. However, I accept that neither reply repeated the derogatory hygiene remarks, and both were sent in direct response to questions about his earlier message.

43. Whilst I accept, on the evidence before me, that DI Colby did not intend to denigrate any ethnic group, he has used comments that demonstrate assumptions linked to ethnicity which amounted to discriminatory stereotyping. I also accept that Officer D, who is of Indian descent, did not interpret the message as racist and did not believe it was an intentional slander against him or people of a particular ethnic group. Officer F, who has worked with DI Colby for a long

time, had never previously heard him make comments he considered racist and regarded the message as out of character. Officer E did not interpret the message as racist. Officer C's contemporaneous challenge acknowledged that the words were probably not meant in that way. However, the absence of intent does not render the language acceptable. The Standards of Professional Behaviour are concerned with the effect and perception of an officer's conduct, as well as the officer's intention.

44. As to Allegation 2, the word *"monging"* derives from a well-recognised derogatory term historically associated with people with Down's syndrome and learning disabilities. I accept that DI Colby used the term colloquially to describe his own state while unwell and that it was not directed at any individual. Nevertheless, it is an offensive term, and Officer C, on the evidence, immediately recognised it as such given a recent misconduct referral involving similar language. DI Colby accepts the term *'mong'* from which *'monging'* derives is offensive. However, he then seeks to draw a distinction, suggesting its colloquial use to lounge around renders it less offensive. I accept that some individuals use the term colloquially and without intending offence. However, the fact that its use may have become colloquial does not remove its discriminatory origins or its capacity to cause offence to members of the public and colleagues.

45. Whilst I accept DI Colby did not intend to denigrate any ethnic group or disabled people, misconduct proceedings are concerned not only with subjective intent, but also with the objective meaning and effect of the language used. The fact that multiple colleagues immediately recognised and challenged the comments demonstrates that the language was reasonably capable of being interpreted in the way alleged.

46. Taking into account the submissions from both parties and all of the above, I find the facts of Allegation 1 and Allegation 2 proven.

47. I have also noted that DI Colby is subject to a current written warning (18 months, commencing 21st May 2025) for an unrelated matter concerning the sending of work-related emails to and from his personal email account. That matter does

not concern discriminatory language, and I have not treated it as relevant to my findings.

Breach of Professional Standards

48. In line with Regulation 61(16), I bear in mind that the burden of proving Breach of Standards rests upon the Appropriate Authority and that it must satisfy me on the balance of probabilities.

49. I am satisfied that the Appropriate Authority has discharged that burden and the conduct did breach the standards of professional behaviour as to:

    i. **Equality and Diversity.** In that police officers act with fairness and impartiality and do not discriminate unlawfully or unfairly. By attributing illness to a group identified by ethnicity, coupled with derogatory comments about their hygiene and behaviour, DI Colby used language that stereotyped individuals on the basis of race. By using a term derived from a derogatory label for disabled people, DI Colby failed to show the regard for persons with protected characteristics expected of a police officer, let alone a manager.

    ii. **Discreditable Conduct.** In that police officers behave in a manner which does not discredit the police service or undermine public confidence in it. Individually and cumulatively, the messages were sent by a Detective Inspector within professional policing communication channel to fellow managers and to a senior manager. A reasonable member of the public, aware of these messages, would be concerned by them and they are capable of undermining confidence in the service's commitment to fairness and inclusion.

    iii. **Authority, Respect and Courtesy.** I am not satisfied that this standard is separately made out. The messages were not directed at, or communicated to, any specific member of the public or colleague in a discourteous manner, and the Appropriate Authority did not identify any conduct beyond the two messages already addressed under Equality and Diversity and Discreditable Conduct. In addition, it is apparent that DI Colby promptly apologised when challenged, removed himself from the group and sought to individually address any concerns deriving from his conduct. In my view,

adding this standard does not reflect any distinct wrongdoing, and I do not find it proven.

Assessment of Seriousness

50. I go on to make an assessment of seriousness by reference to Culpability and Harm, mitigating and aggravating factors, having regard to the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings. I have carefully considered the submissions on behalf of the Appropriate Authority and the representations on behalf of DI Colby during the course of this hearing.

51. **Culpability** is assessed as high. DI Colby was responsible for his own actions and, as the prefatory phrase demonstrates, he appreciated the risk that his words could be seen as racist and sent them nonetheless, to a supervisory group and his line manager. As a Detective Inspector of 25 years' service, he ought to have known better. His later replies to the group and to Officer A also shown limited insight and aspects of that limited insight remained apparent in his evidence before me. However, I have found that there was not deliberate intention to discriminate, albeit he used language used reflected racial stereotyping and discriminatory, which is not acceptable and serious.

52. **Harm** is assessed as high. The messages were confined to a small internal group of six officers and to DI Colby's line manager. They were not public, and no member of the public was exposed to the comments. Officer B was upset by the message and was placed in the uncomfortable position of having to challenge a colleague, and I take that into account. The potential harm, however, is significant. Racially stereotyped and disablist language by a senior officer, if it became known, would be damaging to the reputation of the police service and to public confidence in policing, at a time when the police and specifically the Metropolitan Police are aiming to demonstrate how seriously it is tackling higher standards following highly publicised and damaging incidents.

53. **Aggravating features**. I am mindful not to double count or take into consideration any factors that have already featured in my determination of culpability and harm. I note DI Colby's seniority and that the message was repeated to his line manager. Those matters are already reflected above. I also

note that DI Colby is still subject to a written warning. I do not find any additional aggravating features.

54. **Mitigating features.** DI Colby accepted sending the messages from the outset. When challenged, he provided an explanation and apologised within the group, and within 48 to 72 hours he personally approached Officer D to apologise. He did not repeat the impugned wording after being challenged. He has since completed a number of MPS diversity and inclusion learning packages and applied to attend further equality, diversity and inclusion training. I also take account of the contemporaneous view of Officer B, Officer F and Officer E that the matter had been appropriately addressed through peer challenge.

Gross Misconduct

55. I have reminded myself that gross misconduct is a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

56. I have carefully considered the Appropriate Authority's submission that the screenshots amount to incontrovertible evidence. I accept that they are incontrovertible evidence that the messages were sent and of the words used. That is not in dispute. I then turn to the separate evaluative question of whether the conduct is so serious that dismissal would be justified, which requires an assessment of all the evidence before me.

57. In addition to the incontrovertible evidence, in allegation 1 DI Colby has paired a derogatory description of the circumstances he was in, together with a description of a group based on their race. This pairing provides additional weight to the assessment that DI Colby made comments that were founded upon assumptions linked to ethnicity and, whilst not deliberately discriminatory, were discriminatory in their nature and effect.

58. In relation to allegation 2, DI Colby has acknowledged the term *'Mong'* is offensive towards disabled people, however sought to explain that his use of the derivative term *'monging'* is not, even though it is clearly capable of being viewed as an offensive and discriminatory term.

59. I do not underestimate the seriousness of DI Colby's language. Discriminatory language, including language that stereotypes on the grounds of race or demeans persons with a disability, has no place in policing.

60. In reaching this conclusion I have taken account of the absence of deliberate prejudice, the officer's previous relatively good character, the substantial character evidence before me, his apologies and subsequent remediation. However, these factors do not outweigh the seriousness of a senior Detective Inspector using race-based stereotypes and language with discriminatory disability connotations within professional policing communications. The conduct was capable of undermining confidence amongst colleagues and, if known publicly, public confidence in the police service. Therefore, I am satisfied that the breaches of professional standards, individually and cumulatively, amount to gross misconduct.

61. Following my findings, I have gone on to carry out another full assessment of seriousness (as per the assessment above).

Personal mitigation

62. I have taken into account the personal mitigation on behalf of DI Colby, including his 25 years' service, his previous work supporting and mentoring colleagues from diverse backgrounds, his previous role as a disability diversity champion and his Borough Officer of the Year Award for Kensington and Chelsea in 2012. I have also carefully considered the 10-character references provided, which describe DI Colby as one of the most capable, dedicated police officers encountered. They speak of his motivation which stems from a genuine sense of duty. He is regarded as someone who places significant importance on staff welfare and has been known to accommodate fellow officers' religious practices and beliefs. He is described as having a genuine desire to understand different cultures.

63. However, I am mindful of the limits to the weight I should attach to personal mitigation as identified in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings, and that the interests of the police service, and the protection of the public, are more important than those of the individual officer.

Outcome Decision

64. I have reminded myself of the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case.

65. I further remind 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.

66. I do acknowledge that the outcome imposed can have a punitive effect: accordingly, the outcome should be no more than necessary to satisfy the purpose of the proceedings.

67. In making my decision on outcome I bear in mind that the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 ("the 2025 Regulations") came into effect on the 28th May 2025.

68. I have been advised that the 2025 Regulations amend Regulation 62 of the Police (Conduct) Regulations 2020 ("the PCR") so that, where gross misconduct is proven against a serving officer, the panel must dismiss the officer unless there are exceptional circumstances.

69. I have considered the officer's record of service.

70. I have then carefully considered the cumulative weight of the mitigating circumstances, including DI Colby's early apology when his actions were challenged by his colleagues, the steps taken to individually apologise, as well as his acknowledgement that he put his colleagues in a difficult position. I also recognise his efforts as to online learning and the strength of the character evidence provided on his behalf. I note his overall positive contribution to policing over a number of years.

71. Against that culmination of factors, exceptional circumstances must be truly out of the ordinary and sufficiently uncommon to justify departure from the outcome that would ordinarily follow a finding of gross misconduct. Whilst the mitigation advanced on behalf of DI Colby is substantial and deserving of significant weight, it is not, in my view, exceptional.

72. Therefore, having carefully assessed the seriousness of the conduct and balanced it against the mitigation advanced on behalf of DI Colby, I do not find exceptional circumstances to be present.

73. Having carefully considered the seriousness of the misconduct, the substantial mitigation advanced on behalf of DI Colby, and the wider public interest, I am satisfied that the outcome must properly reflect the need to maintain public confidence in policing, uphold and declare the standards expected of police officers, and protect the reputation of the service. Balancing all of those matters, I conclude that a lesser outcome would be insufficient and that dismissal is necessary.

74. Therefore, the only available sanction is dismissal without notice, and I am satisfied that it is the only appropriate sanction in this case.

Outcome

75. Having considered the matter fully and having regard to the nature and severity of the breach of the Standards of Professional Behaviour, the sanction I impose is dismissal without notice and the officer should be placed on the College of Policing's barred list.

Commander Colin Wingrove
Metropolitan Police Service
15th October 2026