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

BETWEEN

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

AND

PC CLAIRE TETT

OFFICER CONCERNED

1. This hearing was held in public from 13 October 2026 – 21 October 2026 at Palestra House, London. The Panel comprised of Ms Dale Simon Legally Qualified Chair (LQC), Assessor Superintendent Mitchell Carr and Mr Clive Manning Independent Panel Member.

2. The Appropriate Authority (the AA) was represented by Mr Paul Ozin KC and Mr Daniel Hobbs and the officer concerned was represented by Mr Colin Banham.

PRELIMINARY ISSUES

Dismissal Application

1. On the 6 October 2026 7 days before the commencement of the substantive hearing, the defence served a skeleton argument on behalf of PC Tett outlining their application to:
    a. Dismiss the allegations against PC Tett, on the basis that there has been a significant departure from the prescribed regulatory framework in respect of the duty of disclosure;
    b. In the alternative, exclusion of the 'audit material' relied upon by the AA in the case against her.

2. Counsel for the AA served their written response opposing to the defence application on 12 October 2026.

3. In light of the proximity of the defence application to the scheduled commencement of the substantive hearing, the application was considered by the full panel as a preliminary matter on the first day of the scheduled substantive hearing (13 October 2026). The dismissal application was refused by the panel. The full panel decision is attached as Annex 1.

Adjournment application for expert evidence

4. Following the panel's refusal of the dismissal application counsel for PC Tett made an application for the case to be adjourned to allow a defence expert approximately 5 days of supervised access to review the NSPIS and potentially IIP systems. The adjournment application was refused by the panel. The full panel decision is attached as Annex 2.

DEFENCE APPLICATION FOR AN ADJOURNMENT ON MEDICAL GROUNDS

5. The witness Mr Lee Nelson no longer works for the MPS and he is not based in London therefore it had been agreed, sometime before the hearing that he would give evidence remotely via MS Teams. Shortly after 3 pm on Friday 16 October the panel retired to allow time for the MS Teams link to be set up. At approximately 3.30pm the panel were informed that PC Tett had entered the hearing room to recommence the hearing but had left immediately because she had become distressed at the sight of herself on the hearing screen. The panel were informed by Counsel for PC Tett that she had wrongly believed that her image was being recorded, attempts had been made to reassure her that this was not the case. It was submitted that, if necessary, it was possible for PC Tett to sit at a desk at the rear of the hearing room which was not covered by the camera, while Mr Nelson gave his evidence. The panel retired to give PC Tett's counsel an opportunity to discuss possible solutions with PC Tett.

6. When the panel reconvened counsel for PC Tett made an application for the hearing to be adjourned until Monday 19 October on the basis that PC Tett's distress at seeing herself on camera had triggered her long-term issues with back pain. She did not have any pain

medication with her and as such she was in too much pain to continue with the hearing today. The panel were not provided with any medical evidence to support this application.

7. Counsel for the AA confirmed that Mr Nelson, who had been on standby to attend as witness for 4 days since 13 October, was not available to give evidence on Monday. The application to adjourn the hearing was therefore opposed by counsel for the AA.

8. Counsel for PC Tett did not object to the AA relying on Mr Nelson's written statement, if the witness was unable to attend on the 19 October, but he wanted the panel to have regard to the transcript of Mr Nelson's responses to cross examination from the 2024 hearing.

9. In determining this application, the panel had regard to its role to ensure that proceedings are fair and conducted efficiently and expeditiously. The panel noted that defence counsel was in possession of PC Tett's full instructions, and that PC Tett had remained in the hearing centre therefore he could take further instructions if the need arose. The panel therefore determined that hearing the evidence of Mr Nelson in the absence of PC Tett would cause no unfairness to PC Tett. However, if the application to adjourn was granted the AA would be forced to rely on the written statement of Mr Nelson, and the panel would be deprived of the opportunity to question a witness who provides relevant evidence.

10. It is a well established principle that applications for adjournments on medical grounds in misconduct hearings should be supported by appropriate medical evidence, and that panels are entitled to refuse an application where no such evidence is provided: *General Medical Council V Ijaz Hayat* [2018] EQCA CIV 2796. Having considered the competing interests in this case, the lack of medical evidence to support the application and the impact of granting an adjournment/not hearing the witness today. The panel decided to refuse the defence application to adjourn the hearing until Monday 19 without hearing evidence from Mr Nelson.

THE ALLEGATIONS

11. The allegations facing PC Tett are set out in the amended Regulation 30 Notice served upon her under the Police (Conduct) Regulations 2020. These are:

PC CLARE TETT (P217028), whilst a serving member of the Metropolitan Police Service your conduct is alleged to have fallen below the standard expected of a serving police officer such as to contravene the Standards of Professional Behaviour. Such conduct amounted to gross misconduct in that:

BACKGROUND

1. On 4th March 2021, Sarah Everard was reported missing. The missing person investigation was initially led by the Safeguarding and CID units from Central South Borough Command Unit (AS BCU). It was subsequently handed over to the Major Investigation Team (MIT).

2. On 9th March 2021 at 19:50 hrs, former Police Constable Wayne Couzens was arrested on suspicion of the kidnap of Ms Sarah Everard. He was detained in Wandsworth Police Custody suite under reference 01WH/1557/21.

3. Audits were later conducted on all police indices which identified that seven police officers had accessed files relating to Wayne Couzens and Sarah Everard. Such access appeared to have been made without a proper policing purpose.

4. The seven investigations concluded under Operation Scarborough arise from the same matter or incident, namely, the wrongful access of information relating to Wayne Couzens and Sarah Everard by MPS officers in or around March 2021.

STANDARDS OF PROFESSIONAL BEHAVIOUR

5. Wayne Couzens' criminal case was highly reported upon in the national news and was damaging to the reputation of the police service because Wayne Couzens was a serving MPS officer. Regardless of the subject matter, by accessing confidential information without a proper policing purpose you contravened three of the Standards of Professional Behaviour set out in Schedule 2 of the Police (Conduct) Regulations 2020 ('the Regulations'):

a. Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties;

b. Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders; and

c. 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.

6. With regards the Standard of Professional Behaviour pertaining to Orders and Instructions, your access to information breached the relevant MPS policy on handling information (i.e. the METSEC Code dated 7/5/2020). In particular, you failed to abide by the following core principles:

Section 2A - You must not perform any unauthorised [i.e. not connected with your duties] enquiries of police data held on national police or Met information, communications and technology (ICT) systems under any circumstances.

Section 2C - The 'need to know' about specific data, whether GSC marked or not, should not be influenced by any non-relevant interests or external/ subjective factors. For instance, this could include access solely based on an individual enquirer's rank/ grade or their motivation born from personal curiosity, rather than needing access for an official police purpose. You should promptly report any unauthorised enquiries to line management.

Section 2H - You must not attempt to gain access to data [through an application, system or equipment] that you have not been authorised to see and other than in accordance with the Met Information Code of Conduct

7. In addition, it is alleged that you have breached the standard of professional behaviour pertaining to Honesty and Integrity in respect of the explanations you have given, during the course of the investigation, for your accessing the information (see below).

ALLEGATIONS

A] In March 2021, you were attached to the South West Borough Command Unit (SW BCU) Criminal Justice Team. You are alleged to have used NSPIS to access or attempt to access, amongst other things, Olena Couzens' custody record 01PL/1153/21 and Wayne Couzens' custody record 01WH/1557/21 and to have used the Integrated Information Portal ('IIP') to access, or attempt to access, amongst other things, CRIS 1205390/21 relating to the disappearance of Sarah Everard.

B] The said access of information took place on 10th March 2021, and the relevant details of your access can be further particularised as follows:

You accessed, or attempted to access, via a search or searches on IIP and / or

NSPIS, the following records:

(i) 01VK/733/21 (NSPIS record re: a person detained on suspicion of murder)

(ii) 01SC/400/21 (NSPIS record re: a person detained on suspicion of murder)

(iii) 01SC/406/21 (NSPIS record re: a person detained on suspicion of blackmail)

(iv) 01ZC/1764/21 (NSPIS record re: a person detained on suspicion of ABH)

(v) 01PL/1153/21 (NSPIS record re: Olena Couzens' detention)

(vi) IIP search of 'Everard' and access or attempted access of CRIS 1205390/21

(vii) 01WH/1557/21 (NSPIS record re: Wayne Couzens' detention).

C] The above access to information (whether proved individually or collectively) was not undertaken in the course of your duties within South West Borough Command Unit (SW BCU) Criminal Justice Team and / or had no proper policing purpose.

D] Accordingly, you have breached the Standards of Professional Behaviour pertaining to Confidentiality and / or Orders & Instructions and / or Discreditable conduct.

E] Further or alternatively, the pattern of your access to police data systems, as set out above, indicates that your purpose was to identify the police officer, held in custody, in connection with the disappearance of Sarah Everard. Your motive appears to have been your own personal curiosity. You were ultimately successful in identifying Wayne Couzens as the police officer so detained.

The explanation that you gave during the course of the misconduct investigation (in writing on or about 14th April 2021 and/or 11th November 2022) was that you were seeking to refresh your IIP licence and/or cross check the accuracy of the information returned by IIP. This was untrue and breached the professional standard pertaining to Honesty & Integrity.

Further or alternatively, you failed to disclose (on or about 14th April 2021 and/or 11th November 2022 or at any other time) the extent of your wrongful access to police data systems. In particular, you failed to disclose the access identified at paragraphs [B](i) to [B](v) above. The failure to disclose your own wrongdoing lacked integrity and further breached the professional standard pertaining to Honesty & Integrity.

Such matters, individually and / or cumulatively, amount to gross misconduct which is so serious that your dismissal is justified.

CASE SUMMARY

12. The allegations against PC Tett arise from an investigation, named Operation Scarborough, which was instigated following Sarah Everard's disappearance. PC Tett was one of several officers who had accessed material related to the said investigation without an apparent policing purpose.

13. PC Tett joined the MPS in a civil staff role in 2001 and became a police constable in 2003. In March 2021 PC Tett was working within Southwest Basic Command Unit based in Kingston. She was not involved in the investigation into the disappearance of Sarah Everard or the arrest and detention of Wayne Couzens. It is alleged that on the10 March 2021 she accessed the Sarah Everard CRIS report and the custody records of Wayne Couzens and his wife Olean Couzens. Before arriving at these records, it is alleged that PC Tett had already accessed a further 4 custody records, each for male detainees held in London police stations on suspicion of serious offences such as murder and blackmail.

14. The AA asserts that the proper inference to be drawn from PC Tett's conduct is that her purpose in trawling through the custody records was to attempt to discover the identity of the MPS police officer who had been arrested in connection with the disappearance of Sarah Everard. His custody record was the last that she accessed on 10 March 2021.

15. It is also alleged that PC Tett has failed to be completely candid in her explanation for accessing the records in that her explanations were designed to cover her tracks, and they are in essential respects entirely false.

16. In her regulation 31 response PC Tett admits accessing the records of Sarah Everard and Wayne Couzens, but she maintains that she had a lawful policing purpose for doing so. In respect of the other custody records allegedly accessed PC Tett maintains that she had no specific recollection of accessing the records but if she did access the records it would have been for a lawful policing purpose.

EVIDENCE

17. In advance of this hearing the Panel was supplied with the documents in accordance with the Police (Conduct) Regulations 2020, which included a copy of the papers served on PC Tett in accordance with Regulation 30 and PC Tett's response to the AA under Regulation 31. In determining the facts in this case, the Panel had regard to:

- All documents and materials in the hearing bundle (B1) the addendum bundle (B2) the numbered appendices, the amended Regulation 30 notice and Regulation 31whether they were explicitly referred to or not during the hearing.
- The oral evidence of the witnesses called on behalf of the AA and the oral evidence of PC Tett.
- The transcript of the oral evidence of Mr Nelson from the first misconduct hearing in 2024.
- PC Tett's good character, which is relevant to the panel's assessment of her credibility as a witness and her propensity to act in the manner alleged.
- The submissions made on behalf of the AA and PC Tett.

18. The panel heard oral evidence from PS Wren he had been trained to use NSPIS, and he used the system in his capacity as a custody sergeant between 2007 and 2017. From 2017 to September 2020 PS Wren worked as a member of NSPIS business support desk where he had responsibility for accounts, administration and support of the system as well as testing new upgrades to the system. He adopted the contents of his statement dated 24 October 2023 which detailed how the NSPIS system was accessed and how it worked.

19. In response to cross examination PS Wren confirmed that he was not an IT expert and as such his evidence related to the functions of NSPIS not the reliability of the system or the reliability of the data produced by the system. He confirmed that he had not created the audit report (audit 1) which showed that PC Tett opened the front sheet of the record 01WH/1557/21 (relating to Wayne Couzens) on 10/03/2021 at 12:38. The audits were given to him by Professional Standards. He confirmed that he was not working on the NSPIS business support desk in March 2021.

20. He stated that the wider system was run by Capita and when there were bugs in the system, he would send a system report to Capita. There would have been software updates, bug fixes and updates to NSPIS. In response to re-examination PS Wren confirmed that three people worked on the NSPIS business desk, if they couldn't solve a problem they would pass it on to Capita. Another colleague on the team was responsible for working with Capita, so PS Wren had no knowledge of the types of problems that were escalated.

21. The panel found that PS Wren's oral evidence was consistent with his written evidence and that his answers to questions were full and clear. The panel therefore found him to be a credible witness.

22. The panel next heard oral evidence from Superintendent Dan Berry. Supt Berry confirmed that the contents of an email exchange on 9 May 2025 between himself and Professional Standards was accurate. He confirmed that PC Tett did not speak to him prior to replying to the email from DPS asking why she conducted the (audit 1) search. He confirmed that he was made aware of the email several days later when it was forwarded to him. He confirmed that he would not have told PC Tett to send a short reply, his advice would have been to contact

her Federation Representative first. Supt Berry maintained his account in response to cross examination. The panel found Supt Berry to be a credible witness his account in oral evidence was consistent with his written account and his explanation for his answers were plausible.

23. Mr Nelson adopted the contents of his statements in oral evidence. He confirmed that when he made his first statement on 22 September 2023 he had been working on a unit with responsibility for maintaining access to the MPS IIP system and auditing its users. His statement describes how the IIP system is accessed and how it works. His statement explains that every time a user attempts to access the IIP system a warning message appears on screen before access to the database can be granted. The warning reads:

"*This system contains both RESTRICTED and CONFIDENTIAL information.*
The use of this system is monitored

It contains personal information covered by the Data Protection Act.

This information must only be accessed for the discharge of genuine police duties and used in accordance with MoPI and MetSec Guidelines.

Any activities such as browsing, other than for a legitimate policing purpose, are not permitted under any circumstances. You must not use the system for private or personal purposes.

Unauthorised access or disclosure of information may constitute an offence. This may result in Criminal and / or Misconduct Proceedings.

By clicking on the "I Agree" button you accept that information can only be used for an authorised purpose and that you have read, understood and undertake to comply with the Metropolitan Police Service (MPS) IIP Security Operating Procedures"

24. Mr Nelson stated that if a CRIS was restricted when you clicked on it you would not be able to access any information and if you clicked on the hyperlink "*you wouldn't go anywhere*". He stated that there could be a time lag of up to 8 hours between a file being marked as restricted and it being restricted on the IIP system, because the system is updated at 8am and 4pm. He confirmed that if a CRIS became restricted at 7.11am the restriction would have been uploaded at 8am. The Panel found Mr Nelson to be a credible witness, his oral evidence was consistent with his written evidence, and he answered questions fully and clearly.

25. The panel heard oral evidence from PC Tett, in determining the credibility of her evidence the panel had regard to her good character, however, the panel found that the credibility of her evidence was significantly undermined by the inconsistencies between her written

and oral evidence and the lack of plausibility of many of her explanations and assertions, some of which were expressed for the first time during oral evidence, as detailed below. The panel, therefore, found that PC Tett could not be relied on as a witness of truth.

THE PANEL'S APPROACH

26. In considering the facts, the Panel was aware that the burden of proof is on the AA and the standard of proof is 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.

27. The panel noted that Allegation E is pleaded as three separate paragraphs. Therefore, in making its finding in respect of Allegation E, for clarity, the Panel has allocated roman numerals to the three paragraphs when setting out its findings

28. The panel considered each of the allegations of fact in turn before considering whether any facts found proved breached any of the Professional Standards of Behaviour alleged.

FINDINGS OF FACT

<u>Allegation of fact A</u>]: In March 2021, you were attached to the South West Borough Command Unit (SW BCU) Criminal Justice Team. You are alleged to have used NSPIS to access or attempt to access, amongst other things, Olena Couzens' custody record 01PL/1153/21 and Wayne Couzens' custody record 01WH/1557/21 and to have used the Integrated Information Portal ('IIP') to access, or attempt to access, amongst other things, CRIS 1205390/21 relating to the disappearance of Sarah Everard.

<u>Panel determination</u>

29. The panel found this allegation of fact proven by way of admission. PC Tett accepted in her MG14 statements under caution dated 11 November 2022 and 15 April 2025 and during her Misconduct interview dated 17 April 2025 that she accessed the custody record of Wayne Couzen's and the CRIS of Sarah Everard. During her oral evidence she also

admitted, for the first time, that she had also accessed the custody record of Oleana Couzens before accessing the record of Wayne Couzen's.

<u>Allegation of fact B]</u> The said access of information took place on 10th March 2021, and the relevant details of your access can be further particularised as follows:

> **You accessed, or attempted to access, via a search or searches on IIP and / or NSPIS, the following records:**
> **(i) 01VK/733/21 (NSPIS record re: a person detained on suspicion of murder)**
> **(ii) 01SC/400/21 (NSPIS record re: a person detained on suspicion of murder)**
> **(iii) 01SC/406/21 (NSPIS record re: a person detained on suspicion of blackmail)**
> **(iv) 01ZC/1764/21 (NSPIS record re: a person detained on suspicion of ABH)**
> **(v) 01PL/1153/21 (NSPIS record re: Olena Couzens' detention)**
> **(vi) IIP search of 'Everard' and access or attempted access of CRIS 1205390/21**
> **(vii) 01WH/1557/21 (NSPIS record re: Wayne Couzens' detention).**

<u>Panel determination</u>

30. The panel found this allegation of fact proven on the balance of probabilities for the reasons detailed below.

31. The panel noted that PC Tett had initially denied having any recollection of accessing the records detailed at points (1) – (5) the "audit 2" records. In her MG14 dated 15 April 2025 she stated:

"*These allegations are distressing, especially as I now cannot recall exactly what searches I conducted or the reason for conducting them. Any searches I have conducted were with minimal and very limited access to custody records, via the Whiteboard Overview or custody front sheets as part of my work within the SW-CU Criminal Justice Team as previously described. The short amount of time spent on these records and limited access is consistent with performance of my duty*"

32. In oral evidence PC Tett stated that she couldn't accept the audit 2 searches because the audit had been placed in front of her at the hearing in 2024 as being accurate, but she didn't know if that was the case. She stated (for the first time) that when she first saw audit 2, she was baffled as to why all the offences related to domestic abuse, so she thought that her name had been added by mistake. Her colleague DC Ward was responsible for domestic violence cases, he was a co-defendant at the 2024 hearing, so she thought the entries might have been his and that there had been an administrative mix up. She asked DC Ward if they were his searches and he said that they weren't. However, she again appeared to contradict her assertion by stating that the custody searches had her correct warrant number so she could only assume that they were hers.

33. PC Tett also admitted, for the first time, that she had accessed the custody record of Oleana Couzens prior to accessing the record of Wayne Couzens. The panel found that this admission coupled with her statement that any access to the custody records was minimal and limited were consistent with the findings of audit 2. In that the audit showed that she had accessed the custody record for Oleana Couzens before accessing the Wayne Couzens custody record and that she had accessed the other custody records for a matter of seconds. Considering these findings the panel concluded that we could place reliance on the accuracy of the audit 2 findings and therefore found on the balance of probabilities that PC Tett had also accessed the audit 2 custody records detailed at points (1)-(4) above in addition to the records that she admits to accessing.

34. It had been submitted on behalf of PC Tett during the preliminary adjournment application that PC Tett had no recollection of the audit 2 searches and there were known problems with the NSPIS system, which made it necessary for an adjournment to be granted so that a review of the entire system could be facilitated. The assertion that there were problems with the system was based on a comment made by PS Wren during his oral evidence at the 2024 misconduct hearing. PS Wren had stated: *"if we had any breakdowns or failures we would pass it on to Capita"*.

35. In refusing the application to adjourn the panel indicated that we would revisit our assessment of whether a reasonable inference about potential systemic problems with NSPIS could be drawn after we had heard the oral evidence of PS Wren. The panel found that no additional evidence was adduced from PS Wren in respect of any systemic issues with the accuracy of NSPIS. Further, PC Tett now also accepted that she had accessed the custody record of Oleana Couzens prior to accessing the custody record of Wayne Couzens and the panel had found that her description of the nature of her access with the audit 2 data was consistent with the audit 2 findings. The panel therefore concluded that there was insufficient credible evidence to support an inference that there were possibly systemic problems with the accuracy of the data produced by NSPIS. Consequently, there was no reason to grant an adjournment to allow a defence expert the opportunity to review the operation of the NSPIS system.

<u>Allegation of fact C]</u> The above access to information (whether proved individually or collectively) was not undertaken in the course of your duties within South West Borough Command Unit (SW BCU) Criminal Justice Team and / or had no proper policing purpose.

36. The panel found this allegation of fact proven on the balance of probabilities for the reasons detailed below.

37. Detective Inspector Richard Mackenzie made a statement dated 29 September 2023 in which he states that in May 2020 he took on the role of Detective Sergeant at the Criminal Justice Unit nominally based out of Kington Police station. He states that the team was made up of 5 police constables including PC Tett. Each team member had their own area of individual responsibility. He describes PC Tett as being PC Roarty's stand in when he was off sick, as well as being responsible for overseeing the GDC29 withdrawal of warrants process. He also states that she worked with the Case Management Team (CMT) on a project re; referrals to the CPS being compliant with CMT processes COPA and Drug Intervention Programme (DIP):

"*In* addition*, he states that the team would often receive a variety of ad hoc requests from across the BCU, which I would often delegate to a PC. This could, for example, be to look at tag breach data, provide advice on case file quality, create/task arrest CADs etc."*

38. DI MacKenzie also states that given the nature of the work undertaken by the CJ officers the use of police systems/indices was central to their ability to perform their role.

39. PC Paul Mullins worked on the SW CJ Team alongside PC Tett; he made a statement dated 25/09/23 in which states:

"*GDC29 is the form used to request withdrawal of a warrant issued by the court. This is a lengthy process which includes use of IIP to search local data but the onus was on the OIC to complete these checks and I predominantly used EWMS to check that the OIC had done all the checks required before submission*."

40. PC Gemma McCabe a member of the PSD investigations team conducted an audit of PC Tett's access to the IIP system between 10/02/21 and 10/04/21 and found that PC Tett had only accessed the system on one date during that period namely 10/03/21.

41. PC Tett's regulation 31 response asserts that PC Tett had a proper policing purpose for the very limited access to view the relevant material the response states:

"*My role required the preparation of detailed files to be submitted to the court, during which I was required to search police systems for any up-to-date information which may have an impact upon the GDC29 application. I initially used the E-Warrant Management System ['EWMS'] for this purpose but, prior to the 10th of March 2021, I was instructed to also use the IIP system. This apparently supplied more comprehensive and up-to-date information than EWMS. I was also instructed to use PNC to conduct last-minute checks*.

I had not used IIP in the course of my duties for some time prior to the 10th of March 2021. I was therefore concerned that I would no longer be able to access the system. This was what I was trying to describe – albeit not very well – in my initial e-mail response on the 14th of April 2021"

42. In oral evidence PC Tett stated that it had been discussed at a team meeting if the team could take the pressure off the OIC's by conducting some of the checks, but it was agreed that three people couldn't do these checks for 4 boroughs. In apparent contradiction of this statement, she also stated that as part of her role she had been asked to conduct IIP checks so she wanted to check the accuracy of the system in relation to a live case. The panel also noted that in her misconduct interview she denied receiving any ad hoc queries on 10/03/21.

Submissions on behalf of the AA

43. It was submitted on behalf of the AA that the panel should find that PC Tett did not have a proper policing purpose for accessing any of the records detailed in audit 1 and audit 2 for the following reasons in summary.

a) Her knowledge of the rules

44. It was submitted that PC Tett had over 20 years of service including in the Anti-Corruption Command and accepted that she had completed training on 'Computers and You' on 18.03.17 and 'Information and You' on 11.10.18. From this training she would have known that police data should only be accessed for official purposes only, on a need to need to know basis, that personal use is 'strictly forbidden' and may lead to disciplinary action up to and including gross misconduct.

45. It was also submitted that in order to access the records that she accessed on the 10.03.21 she would have needed to click through express warnings five times that day. The IIP warning once which states "*browsing … not permitted under any circumstances*" and the NSPIS warning four times which states "*It is an offence to continue without proper authorisation*".

b) What she knew, or claims to know on the morning of 10 March

46. It was submitted that PC Tett's account that she knew of an arrest of someone in connection to the Sarah Everard case, but she did not know that the person arrested was a police officer lacks credibility. It was submitted that every public and internal communication announcing the arrest, said in the same breath that the arrested man was a serving MPS officer Therefore, no account of the arrest reaching her that morning could have left that fact out.

47. It was also submitted that PC Tett's assertion that she had been '*informed a person had been arrested and detained within SW-BCU'*, and that this was why she chose the Everard case as a 'live' test also lacked credibility. Nothing public or internal identified where the man was held beyond 'a London police station'. Her conduct also contradicts her account in that she opened Colindale, Croydon and Lewisham records which are outside the SW – BCU. It was submitted that someone who knew the detainee was on her BCU would not have searched all of London. Her conduct is that of someone who knew what everyone else knew, namely that an officer was being held somewhere in London and she went looking for him.

48. It was further submitted that whether PC Tett had read AC Ephgrave's before she logged, on her account, she knew of the arrest. Further, although she was working from home she was not isolated from the world.

c) <u>The NSPIS trawl</u>

49. It was submitted that PC Tett accepted that her role involved GDC29 warrant withdrawals for her own BCU (Kingston, Richmond, Merton, Wandsworth) and PC Mullins states that IIP checks were for the OIC and the CJ team checked EWMS. It was submitted that timing of PC Tett's access to records is significant the first record accessed by PC Tett was on her BCU at 10:02 two minutes after AC Ephgrave's intranet statement and the subject of the search is a male held for murder. From 12:17 every record accessed was outside her BCU, namely Colindale (NW) x2, Croydon (S) and Lewisham (SE).

50. It was further submitted that four front sheets were accessed in about six minutes sheets (12:18:47, 12:19:19, 12:21:09, 12:24:04) and that PC Tett returned to the whiteboard after each search. That is time enough to read a name, an offence and a location, and not much more. It is scanning for one person, not work. When the AA's case was put, she said 'I can see how that view was formed, I can understand that'.

51. It was submitted that there is a compelling picture of a targeted search by PC Tett for the officer arrested in connection with the Sarah Everard investigation and the woman arrested with him for *'assisting offender'* in Kent. Those were facts revealed (cumulatively) by the press briefing and the intranet announcement that PC Tett denies she knew about at the time. Although, PC Tett denied any knowledge of where MPS murder teams are located. It was also possible to draw an inference that the choice of BCUs by PC Tett was based on her knowledge of where persons detained in relation to murder are likely to be placed as in response to panel questions PC Tett accepted that she believed or knew that:

    - SW BCU is a murder hub (for the Putney murder team);
    - The nearest custody [to the] Putney murder team is Wandsworth, where Wayne Couzens was taken (on SW BCU); and PC Tett accessed Couzens's custody record at 12:38.

- They may also use Kingston custody (also SW BCU) which PC Tett searched first for a detainee at 10:02.

52. It was also submitted that PC Tett's account in oral evidence that she got the details for Olena Couzens from the IIP search and the CRIS is untrue; because she accessed the Olena Couzens custody record through NSPIS at 12:24 *before* she attempted to access the CRIS through IIP at 12:30, and she did not access the CRIS because it was restricted. It was the Olena Couzens custody record that gave PC Tett a route via NSPIS directly to Wayne Couzens, who could be identified from the whiteboards by (at least) name, and when viewed could be confirmed as being the right person as they had the same surname and same address in Kent.

d) IIP and the restricted CRIS

53. It was submitted that PC Tett reset her IIP password at 12:29 PC Tett reset her password. IIP accounts are not licensed and do not expire. Mr Nelson confirmed that they lock for two reason a failed audit (not her case) or wrong passwords. This was plainly a forgotten password, which ties in with the fact that PC Tett ordinarily rarely used IIP. She only used it on this occasion to find the officer arrested in relation to Sarah Everard.

54. The reason she typed for the search was *'Internal briefing enqs'*. It is a free-text box. So, she chose those words. Her reason for accessing IIP had nothing to do with briefings. The reason given says nothing about testing IIP, GDC29 work or renewing licences. It was a false label to give the search a cover of legitimacy.

55. The CRIS had been restricted since 07:11.on the 10th March. Even factoring in the 'lag' in updating IIP, referred to by Mr Nelson, that is not an issue on these facts: he was clear that a restriction placed at 07.11hrs would be effective on IIP by 08.00hrs. Mr Nelson, in this hearing stated that there would be no live link and that if you clicked on the search result, it would go nowhere. When DC Brant put this to PC Tett in interview, she made no reply. The AA's pleaded case is *'accessed or attempted to access'* in the alternative. So, the factual allegation, as charged, is proved either way.

e) Wayne Couzens' custody record

56. It was submitted that there is no IIP custody hit, Merlin was never opened, and his name was not in the public domain until 12 March. The only route to 01WH/1557/21 (the Wayne Couzens custody record) was the whiteboard browse at 12:37. PC Tett had already opened his wife's custody record 14 minutes earlier and got the details from her custody record that would enable her to identify the arrested officer from a whiteboard view. Having found him, she stopped searching.

f) PC Tett's explanations are untrue

57. It was submitted that both of PC Tett's explanations for accessing the records were untrue. Her first account provided to the PSD in an email dated 14 April 2021 stated *"I used the [Sarah Everard] case to refresh my IIP licence, mindful that it had been dormant for some time and [was] to expire".*

58. There was no licence and accounts do not expire and by her own account, she was not saying it had expired. If she could get in, she was in; nothing more needed testing, still less a restricted CRIS and seven custody records. This account also does not explain why she chose this case or why she opened the NSPIS records. Mr Nelson accepted that passwords lapse periodically and that a reset may follow a lapse. That explains the reset at most, not the choice of case or the trawl. It underscores that she doesn't use IIP often but did so on this occasion. The more likely explanation is that she forgot the password because she doesn't use IIP often.

59. It was further submitted that there are a number of surrounding untruths to this explanation. Firstly, PC Tett claimed that she spoke to T/Supt Berry first and he advised 'send something short'. T/Supt Berry says she did not speak to him before replying and that he learned of it days later, an account he maintained in evidence, and which was not challenged. Secondly, PC Tett claimed in interview that she copied DS McKenzie into her email response but she didn't.

60. PC Tett's second explanation is "*Once I could see the names and reference numbers could be verified … I didn't search any further". It was submitted that explanation 2 is different from explanation 1 and as such they can't both be true.* Explanation 2 is impossible on the audit. There was no CRIS content to read because the CRIS was restricted from 7:11 on 10/3/21 and Merlin was never opened.

61. It is also submitted that PC Tetts answer 30 in her MG14 of 2022: IIP showed *'a person who had been arrested … was detained in a custody suite on the BCU where I work and none of the records had been restricted. If I had thought otherwise, I would not have accessed the information' is* false on the face of the records, because the CRIS was restricted. By her own test she should have stopped, but she went on to Couzens' record.

62. PC Tett's new suggestion in evidence that she must have had a higher level of access that enabled her to access the restricted CRIS is an argument born out of desperation and unworthy of belief. Because it has not been mentioned previously. There is no firm foundation for the speculative proposition and no reason to entertain it as a real possibility. There would be no reason to include her in the category of persons excepted from the restriction. It would be absurd to do so, and the proper inference is that it is a fresh, untrue and dishonest invention by PC Tett because she knows that her second explanation is exposed as a lie now that it is shown that she was unable to access the restricted CRIS.

63. Further five of the six NSPIS records were viewed before IIP was used at all, so they cannot have been verification of IIP results. Explanation 2 is belied by the Audit 2 wider date range evidence and the absurd improbability of any officer genuinely considering that the Sarah Everard case was a suitable candidate for IT (IIP) verification testing. The Audit 2 wider date range audit established that between 10/2/21 and 10/4/21, the only IIP and NSPIS activity conducted by PC Tett is that recorded for 10/3/2, as shown on the NSPIS audit and the IIP audit. So, none of this conduct on IIP or NSPIS was remotely normal for PC Tett's work.

64. PC Tett's evidence at the hearing about whether she knew, when she accessed the data, that a MPS officer had been arrested in connection with the Sarah Everard investigation is inconsistent and incoherent. On the one hand, she asserted that an email from CI Lis Chapple (in fact, [C Supt] OCU Commander) stated that an officer was arrested and offered support to colleagues. (As the Chair noted in panel questions, that must mean that there was mention of the arrest of an officer; otherwise, there would be no logic in offering support to officers.) On the other hand, when confronted in cross-examination with the enormity of the 'alarm bell' that would have rung, in accessing data relating to an officer arrested in connection with Sarah Everard, PC Tett resiled from her position that she knew that an officer had been arrested.

65. Realistically, any communication about the matter from a senior officer would not omit the fact that an MPS officer had been arrested, since that fact had been in the public domain since the previous evening. In fact, PC Tett's previous accounts had shied away from any acceptance that she was aware that an officer had been arrested. She denied she had seen AC Ephgrave's intranet statement. She previously described OCU Commander Lis Chapple's email as speaking of *"someone"* being arrested in SW BCU. Her second regulation 31 response adopted the same position in similar language, speaking of her knowledge of the detention of *"a person"* in her BCU.

66. In any event, on either of her 2 positions (that she knew that an *officer* or *person* had been arrested) it would have been very obvious, following the arrest, that this very high profile missing person case was the worst case in England to use for IIP verification testing, given the inevitability that others would regard it as improper personal use to satisfy her curiosity. That is particularly so, if she knew – as she claims - that the detained was in her own BCU.

67. The search parameters that she used in her structured search on IIP indicate an attempt to put up the proverbial 'smoke screen' to obscure the fact that she was trying to locate the officer arrested in connection with Sarah Everard. Nor are the parameters consistent with her explanation 2. Most striking is the population of the free text box, giving the reason for the search as being *"internal briefing enquiries"*, a term which does not fit in with any of the normal work tasks that PC Tett has described. She has not provided an explanation for not simply stating as a reason what she now claims was her innocent reason: IIP verification testing.

68. The use of the (default) 6-month date range options, at the expense of generating an unnecessarily large number of hits, indicates an attempt to obscure her true purpose. The use of the (default) *"all ocus"* option, at the expense of generating an unnecessarily large number of hits, gives the lie to her suggestion that she knew the person arrested was detained in her BCU. The pattern in the custody records viewed through NSPIS points towards a targeted search for the MPS officer detained (as set out above: "The NSPIS trawl").

69. There is no real logic in her position that she drilled down into the custody records as part of an IIP verification testing exercise. The lack of logic exposes it as a lie. If she wanted to test the accuracy of IIP in identifying the right record, the exercise was successful and complete with the identification of the CRIS relating to Sarah Everard. Any further drill down into custody records identified within the CRIS would not be testing the accuracy of IIP, but rather the accuracy of the references within the CRIS. A genuine tester whose test failed would have said so, tried one of her own warrants, or reported a fault. She did none of these. In her 2022 MG14 she stated, "hadn't occurred to me".

g) Further explanation: Assertion of inaccuracy the audits

70. PC Tett's position as to the inaccuracy of the audit results is inconsistent, incoherent and unworthy of belief. It too is born out of desperation and is an attempt to distance herself from compelling evidence for which she has no good answer. She made the assertion in her interview that the documents have got inaccuracies and errors, but when asked to identify them, she declined to do so [ibid]. Her position in her second MG14 and her Second regulation 31 Response, was to confess (or not deny) and avoid, asserting that the activity was consistent with her work duties.

71. Her evidence in the hearing was inconsistent and incoherent. On the one hand, she recognised that the activity was so odd (out of her BCU and relating to domestic violence matters) that she speculated (wildly and without foundation, and for the first time) that the activity of DC Ward may have been wrongly attributed to her. On the other hand, she described the activity as the sort of work she would do on a daily basis. Her ultimate position, when asked questions by the panel, was a reversion to a non-challenge to the audit evidence, stating that it was not her position that she did not access the records in question.

Submissions on behalf of PC Tett

72. It was submitted on behalf of PC Tett that the AA could not discharge the burden of proof required to prove this allegation of fact against PC Tett. The following submissions were made on behalf of PC Tett in respect her role and the purpose of her access to records

searched.

PC Tett's Role

73. The question of policing purpose is therefore evaluative and, to a significant degree, subjective. PC Nelson agreed that a policing purpose may be judged by the desired outcome and by motivation guided by the Code of Ethics [PCN, 346]. On the AA's own material, the touchstone is the officer's duties. The panel can only decide whether PC Tett's access was 'not connected with [her] duties' on the basis of the evidence of what those duties were.

74. In March 2021 PC Tett's duties in the SW-CU Criminal Justice Team included GDC29 warrant withdrawal applications, daily COPA escalations, ad hoc queries, DIP breaches and covering absent colleagues, tasked by various Sergeants, Inspectors and members of the Senior Leadership Team. That work required searches of NSPIS, COPA, IIP and PNC.

75. Although there may be some consideration of access to NSPIS / Custody Records being primarily outside her own BCU, PC Tett has confirmed (through questions from the Superintendent) that she would have to conduct searches outside of her area.

76. The AA has not produced a role profile, job description, tasking record or any evidence from line management setting out the limits of PC Tett's role. The only evidence of her role comes from the statements of DI Mackenzie and PC Mullins, and it supports her account.

77. DI Mackenzie, her line manager, describes her as 'responsible for overseeing the GDC29 (withdrawal of warrants) process', standing in for the CPS liaison officer, and working on ERIC and the DIP process. The team received 'a variety of ad hoc requests from across the BCU'. He states that 'the use of police systems/indices was central to their ability to perform it'.

78. PC Mullins, a colleague on the same team, confirms that the GDC29 process includes use of IIP to search local data. He describes the team looking at custody records via IIP because NSPIS had to be accessed by '*a convoluted method'* and conducting a daily trawl of custody records for a data request from a Commander.

79. The burden is on the AA to prove that the access was not connected with PC Tett's duties. In the absence of any evidence defining those duties more narrowly, and in the face of the evidence that her role was broad, involved ad hoc tasks across the BCU and depended centrally on police systems, it is submitted that the AA cannot discharge that burden.

80. With hindsight, PC Tett accepts that she could have used the warrants themselves to cross-reference. Choosing a live, high-profile case to check the system was, at most, an error of

judgement. It does not mean that there was no policing purpose. Police officers are not to be judged with the 'benefit of hindsight'.

Panel determination

81. The panel noted that there was no dispute that PC Tett's primary role involved overseeing the GDC29 withdrawal of warrant process. This process involved conducted a number a checks on low level warrants that hadn't been executed before submitting the GDC29 form to court for the warrant to be withdrawn. The panel noted that PC Mullins and DI MacKenzie both stated that the CJ Team might be asked to conduct other types of searches, but the panel found that the evidence tended to suggest that requests to conduct IIP searches were not routinely made. PC Mullins was clear that the onus for IIP searches was on the OIC, and indeed PC Tett stated in evidence that the team had discussed taking over responsibility for these searches but the idea had been rejected because there were not enough officers in the CJ team to complete IIP searches for 4 BCUs. Further PC McCabe's audit of PC Tett's IIP access between 10/02/2021 and the 10/04/2021 revealed that PC Tett had only accessed the IIP system once and that was on 10 March 2021.

82. The panel accepted the submissions made on behalf of the AA in respect of the inconsistencies, untruthfulness and lack of plausibility of the explanations put forward by PC Tett to explain why she had specifically chosen to access records relating to the arrest of the suspect in the Sarah Everard case within close proximity of emails from the BCU Commander and the intranet announcement from AC Ephgrave. PC Tett rarely used the IIP system in the course of her usual duties, therefore, whether the system was working accurately or not should not have been a matter of burning concern for her, and in any event even if she was suddenly concerned about the operation a system that she rarely used, testing IT systems was clearly beyond the parameters of her role. Further if PC Tett was genuinely carrying out a test of the IIP system she could and should have recorded this as her reason for accessing the IIP system rather than recording "internal briefing enquiries" in the free text drop-down box.

83. As an experienced officer, who had undergone the relevant data handling training, PC Tett should have been fully aware that accessing the records in respect of a high profile and sensitive case, that you were not assigned to, was at best inappropriate and at worst a serious disciplinary matter; as the warning on the access page clearly states. The evidence relied

on by the AA overwhelmingly supports a finding that PC Tett had no proper policing purpose for accessing the custody records and CRIS reports listed in the audits. The panel therefore found this allegation of fact proved on the balance of probabilities.

Allegation of Fact E](i) Further or alternatively, the pattern of your access to police data systems, as set out above, indicates that your purpose was to identify the police officer, held in custody, in connection with the disappearance of Sarah Everard. Your motive appears to have been your own personal curiosity. You were ultimately successful in identifying Wayne Couzens as the police officer so detained

84. The AA relies on the chronology of events surrounding the Sarah Everard case and the lack of consistency and plausibility of the explanations relied on by PC Tett to prove that PC Tett's true purpose was to identify the police officer detained in custody and that her motivation was her own personal curiosity. Having already found that the PC Tett had no proper policing purpose when she accessed the custody records and CRIS report and that PC Tett's explanation for accessing the files lacked plausibility/was untrue. It followed that the most likely explanation for accessing the records, given that PC Tett had no obvious personal connection to this case, was that she was motivated by curiosity to find the identity of the officer who had been arrested in connection to the Sarah Everard case. The panel therefore found this factual allegation proved on the balance of probabilities.

Allegation of Fact E](ii) The explanation that you gave during the course of the misconduct investigation (in writing on or about 14th April 2021 and/or 11th November 2022) was that you were seeking to refresh your IIP licence and/or cross check the accuracy of the information returned by IIP. This was untrue and breached the professional standard pertaining to Honesty & Integrity.

85. This allegation of fact was found not proven on the balance of probabilities for the reasons detailed below.

86. The circumstances of this case are somewhat unusual in that it is being alleged that "during the course of the misconduct investigation" PC Tett failed to disclose information about the audit 2 custody records. Paragraph 2.24 and 2.25 of the HOG deal with the duty of cooperation.

> 2.24: "*The duty to cooperate forms part of the Standards of Professional Behaviour under ' Duties and Responsibilities'. It reinforces the responsibility that a police officer has to cooperate fully where they are a witness in an investigation, inquiry or other formal proceedings. The responsibility is to participate openly and professionally as a witness in a variety of circumstances including where the officer is a witness in an*

investigation into other officers' misconduct, be that an investigation by the Independent Office for Police Conduct (IOPC) or by the force itself.

2.25: A clear caveat must be placed on the duty that it applies specifically to where the officer's status is that of witness and does not apply in the same manner where the status of the ***officer is that of subject to investigation and where the right to remain silent must be upheld***."

87. The panel determined that on 14th April 2021 when PC Tett was asked to provide her initial explanation for access to the records relating to Sarah Everard and Wayne Couzens , she had not been served with a regulation 17 Notice and was not therefore , subject to a misconduct investigation at that time. PC Tett was formally served with an initial Regulation 17 Notice on the 9th August 2022. The Panel has taken the view that whilst it does not believe the Officer's explanation of 14th April 2021, that explanation was not given during the course of the misconduct investigation.

88. The panel also found that any failure to disclose additional information after the 9th August 2022 when PC Tett was the subject of an investigation was protected by paragraph 2.25 and as such is not capable of breaching the professional standard of honesty and integrity.

Allegation of Fact E](iii) Further or alternatively, you failed to disclose (on or about 14th April 2021 and/or 11th November 2022 or at any other time) the extent of your wrongful access to police data systems. In particular, you failed to disclose the access identified at paragraphs [B](i) to [B](v) above. The failure to disclose your own wrongdoing lacked integrity and further breached the professional standard pertaining to Honesty & Integrity.

89. This allegation of fact was found not proven on the balance of probabilities for the reason detailed below.

90. The 14th April 2021 was the first day on which PC Tett was asked to account for her access to the records relating to Wayne Couzens and Sarah Everard, she was only asked about those records, and she provided an answer in respect of those two records. The Panel did not consider that there was any reasonable expectation that she should have disclosed any other information about wider access in response to such a direct and limited question.

91. After the 9th August 2022 when PC Tett became the subject of an investigation, the burden of proving the allegations lay with the AA and the officer's right to silence came into effect, so she was under no obligation to provide the AA with additional information that had never been requested. Consequently, PC Tett's failure to disclose information after 9th August

2022 cannot give rise to a breach of the standard of honesty and integrity as alleged. The panel therefore found this allegation of fact not proved on the balance of probabilities.

BREACH OF STANDARDS

92. Having found allegations of fact A, B. C and E(i) proved, the panel went on to consider whether PC Tett's conduct breached the professional standards alleged by the AA namely:

- Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties;
- Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders; and
- 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.
- Honesty & Integrity: Police officers are honest, act with integrity and do not compromise or abuse their position.

93. Having found allegations E(ii) and E(iii) not proved it followed that the panel found that PC Tett had not breached the standard of honesty and integrity as alleged.

94. The panel have found that PC Tett accessed 7 records that were protected by the Data Protection Act without a proper policing purpose. In order to access the records she had to click through a clear warning stating that she should not access the records for anything other than a proper policing purpose. The panel therefore found that PC Tett's conduct had clearly breached the standards of confidentiality and orders and instructions. Conduct of this kind also clearly has the potential to discredit and undermine public confidence in the police due to a number of recent high-profile cases involving the accessing and misuse of personal data by police officers. The panel therefore determined that the standard of discreditable conduct has also been breached.

GROSS MISCONDUCT OR MISCONDUCT

95. The panel next considered whether the breaches of the standards found proved amounted to gross misconduct, misconduct or neither. Misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal. The panel reminded itself of the circumstances of this case, the breaches of the standards found proved, 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.

96. In assessing the seriousness of PC Tett's conduct the panel had regard to the College of Policing Outcomes Guidance (outcome guidance) which provides that panels should assess the seriousness of the proven conduct by reference to the officer's culpability for the misconduct, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigating factors.

97. In respect of culpability the panel found that PC Tett's actions were deliberate and intentional, the records were accessed out of pure curiosity without any legitimate police purpose therefore in accordance with paragraph 4.36 of the Outcome Guidance her actions also amounted to abuse of her position as a police officer. The panel therefore determined that the level of PC Tett's culpability was high.

98. In respect of harm the panel found that the potential risk of reputational harm to the police service was increased in this case due to the level of national concern about data misuse by police officers in general and the high profile of the Sarah Everard case. The panel therefore determined that the level of harm in this case was also high.

99. The panel found the following aggravating factors in this case:
    - PC Tett continued her behaviour clicking through warning messages after she should have realised that her conduct was improper.
    - Her conduct has breached multiple professional standards
    - Her conduct was akin to criminal offence under the Data Protection Act
    - A lack of insight into the seriousness of her conduct

100. In respect of mitigating factors, the panel found that all the records were accessed on one day over a relatively short period of time.

101. In light of the above findings the panel concluded that the level of seriousness in this case was high. The panel therefore determined that the breaches of the standards found proved amounted to gross misconduct.

OUTCOME

102. In determining the appropriate and proportionate sanction the panel had regard to PC Tett's service record, the facts found proved and the submissions made on behalf the AA and PC Tett. The panel applied the three-stage procedure set out in the College of Policing Outcome Guidance. The panel assessed the seriousness of the misconduct, keeping in mind the purpose of imposing sanctions and chose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

103. Counsel for the AA submitted that the only appropriate outcome in the circumstances of this case given the panel's findings and the Outcomes Guidance was dismissal without notice. It was submitted on behalf of PC Tett that a final written warning was an appropriate and available sanction. He drew the panel's attention to the variety of sanctions and disposals that other Operation Scarborough subjects had received and invited the panel to find that dismissal was not necessary in all the circumstances of this case.

104. The panel reconsidered its assessment of seriousness in light of the further submissions made. For the reasons detailed above the panel found that the level of culpability and harm remained high. The panel also reconsidered its assessment of aggravating and mitigating factors. The panel did not identify any further aggravating or mitigating factors. The panel therefore determined that the level of seriousness remained high.

105. The panel kept in mind at all times the threefold purpose of imposing sanctions, namely: (a) maintenance of public confidence in and the reputation of the police service; (b)

upholding high standards in policing and deterring misconduct; (c) protection of the public.

106. The panel had regard to the Outcome Guidance and noted that paragraph 4.14 sets out the types of offences that are considered especially serious, these include allegations involving data protection and misuse. Paragraph 4.36 which provides that accessing confidential police information without a legitimate policing purpose is an abuse of an officer's position and may merit dismissal in serious cases and Paragraph 4.37 sets out the factors that support a more serious outcome which include breaches of personal privacy and attempts to cover up the improper accessing of data.

107. In line with the Outcome Guidance at paragraph 7.4, the panel considered the least severe outcome first. PC Tett's conduct amounted to a serious departure from the standards expected of serving police officers. The panel considered PC Tett's repeated attempts to cover up her wrongdoing to be a particularly serious factor in this case. This type of conduct is totally inconsistent with the values and standards that the Metropolitan Police Service expects of serving police officers. Therefore, the panel determined that a final written warning would be neither proportionate nor appropriate to address the seriousness of the misconduct found proved and to uphold high standards in policing and deter other officers from acting in a similar manner.

108. In these circumstances, the panel concluded that the only appropriate sanction in this case was dismissal without notice.

Dale Simon LQC
Supt Mitchell Carr
Clive Manning

22 October 2026