PC Sam Carter

Accelerated Misconduct Hearing

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, Brigid Beehag-Fisher – a Metropolitan Police Commander. The hearing took place on 16 October 2026 in person at The DPS Hearing Suite, Empress State Building, Empress Approach, Lillie Road, West Brompton, London, SW6 1TR.

Hearing in partly in private

3. The hearing was held in partly in private in pursuant to Regulation 59(1). Discussion and submission pertaining to the officers [redacted] is to be heard in private.

Representation

4. The Appropriate Authority ("AA") was represented by Hannah Clark.

5. PC Carter was present, and represented by PC Bowden, his Police Federation Representative.

6. I was advised by Jim Olphert who provided his advice on the record. I delegated responsibility for preparing this report to Mr Olphert pursuant to Regulation 63(1B). Mr Olphert submitted a draft report to me on 16 October 2026 pursuant to regulation 63(1C)(a). Having considered that draft, I have satisfied myself, as required by regulation 63(1C)(b)(ii), that I am content with the draft report prepared by Mr Olphert.

Allegations

7. The Regulation 51 notice served on PC Carter provided as follows:

"*Allegation 1*

A Lawful Business Monitoring audit was undertaken in respect of your MPS-issued mobile device. As a result of that audit, material was identified which is alleged to have been in breach of MPS Information and Communications Technology (ICT) policies.

Particulars:

i. It is alleged that, on two occasions between November and December 2025, you forwarded, via WhatsApp, images depicting partially nude females from your MPS-issued mobile device to a contact saved as "Personal", a telephone number attributed to you.

ii. It is further alleged that your MPS-issued mobile device contained images, videos and associated communications that were personal and intimate in nature unconnected with any legitimate policing purpose or the performance of your duties as a police officer.

iii. Use of an MPS-issued device to store and transmit such material was contrary to MPS policies and instructions governing the authorised use of MPS information and communications technology, systems and equipment

The storage and transmission of such material on an MPS-issued device is alleged to be inappropriate and contrary to the standards and policies governing the use of MPS ICT systems and equipment.

<u>Allegation 2</u>

It is further alleged that the images referred to above were subsequently deleted from your MPS-issued mobile device. It is further alleged that, in deleting that material, you failed to manage and use MPS-issued equipment in accordance with MPS policies, procedures and instructions relating to the proper use of MPS information and communications technology systems and equipment.

As a serving police officer entrusted with MPS property and information systems, you were expected to maintain and manage material held on MPS-issued equipment in accordance with MPS policies and procedures. The deletion of this material, if proven, may give rise to concerns regarding your compliance with those responsibilities.

Professional Standards of Behaviour

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

(i) Discreditable Conduct
(ii) Authority, Respect and Courtesy
(iii) Orders and Instructions

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.

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

Response

8. PC Carter has supplied a Regulation 54 response.

9. The Officer accepts Allegation 1 in its entirety, denies Allegation 2 in that he asserts that the deletion of the videos and photographs from his MPS-issue device was consistent with the ICT Policy, and asserts that the conduct amounts to misconduct only.

Evidence

10. I have been provided with a 70-page hearing bundle by the AA which includes – amongst other documentation:
    a. The Investigation Report of DC Ellie Moore, dated 5 September 2026;
    b. The DET Report, dated 7 July 2026; and
    c. A witness statement of Police Staff [redacted], dated 7 July 2026.

11. Referred to in the bundle, but sent digitally to me are also SM6 to SM15. These are the photos and videos which were found during the LBM analysis.

12. I have considered all of this material.

Factual findings

13. I am required by Regulation 61(15) to review the facts of the case and decide whether or not the conduct of PC Carter amounts to gross misconduct. Regulation 61(16) states that I must not find that the conduct of the Officer amounts to gross misconduct unless (a) I am satisfied on the balance of probabilities that this is the case, or (b) PC Carter admits it is the case.

14. There are a mix of factual admissions and denials in the present case, and a clear denial that the conduct amounts to gross misconduct so I must assess whether I am satisfied on the balance of probabilities that the conduct is proved. I have reminded myself that it is the Appropriate Authority who bear the burden of proving the case to that standard.

15. I have listened carefully to the case presented by the Appropriate Authority and considered in some detail the documentary evidence presented on behalf of the Appropriate Authority. I have also considered the opening from Ms Clark on behalf of the AA.

16. I have also carefully considered the Regulation 54 response of PC Carter, the evidence provided by him, and the careful submissions made on his behalf by his representative PC Bowden.

17. Having considered the material before me, and reminding myself of the burden and standard, I have concluded that the evidence in this case demonstrates on the balance of probabilities that:

    a. PC Carter used his MPS-issued mobile telephone to capture and record messages, photographs and videos in November, December 2025 and February 2026. Those images appear to have been sent to him by other individuals. The photographs and videos obtained through the LBM disclosure demonstrate that PC Carter took photographs of what appears to be his personal phone, using his personal phone to display conversations, videos and photographs between himself and others.

    b. The nature of those photographs, videos and conversations captured from his personal device by video recording or photographing them on his MPS-issued device was sexual and intimate.

    c. There was no legitimate policing purpose to the capture of those images and videos.

    d. The capture of those videos and images was a breach of the Service's policies which were included by the AA in the bundle before me.

    e. Those images and videos recorded on his MPS-issued device were forwarded on two occasions in November and December 2025, and on 4 occasions in February 2026 to a number recorded as 'personal' in his MPS-issued device, and which is attributable to PC Carter as his personal phone.

    f. The images and videos were deleted from his MPS-issued device.

18. For these reasons, I find Allegation 1 **proved** on the balance of probabilities.

19. I find Allegation 2 **not proved**. I accept that as a matter of fact, PC Carter deleted the images and videos from his work phone. That decision to delete the images and videos is, on the face of the ICT policy, consistent with the recommended approach. For the avoidance of doubt, I have concluded that the act of recording

the images on his MPS-issued device is a clear breach of Paragraph 4.2.4.1 of the ICT SOP, but I cannot conclude that deleting them was a separate breach, given that the policy states "*You should minimise any personal or sensitive data on such calls/ texts and delete them no later than 7 days thereafter*."

20. I note that it is unclear to me what the purpose of using the MPS-issued device to capture images and videos of conversations already on his personal device was. I have been presented with no evidence regarding the purpose of using the MPS-issued device, and make no assumptions about that use. I am, however, satisfied as identified above, that whatever the purpose was, it was not a legitimate policing purpose.

21. I also accept that the conversations between PC Carter and the third parties appear to have been consensual. I have not been provided with any evidence which suggests that the third parties were not consenting participants to any of the conversations.

Breach of Standards of Professional Behaviour findings

22. I then have to consider whether the facts proved amount to a breach of standards. It is for the AA to prove breach of standards on the balance of probabilities.

23. I was advised by Mr Olphert that:

    a. The definition of Discreditable Conduct, per Schedule 2 of the Conduct Regulations, is as follows: "*Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty*."
    b. The definition of Orders and Instructions, per Schedule 2 of the Conduct Regulations, is as follows: "*Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful order*".

c. The definition of Authority, Respect and Courtesy, per Schedule 2 of the Conduct Regulations, is as follows: "*Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy*. *Police officers do not abuse their powers or authority and respect the rights of all individuals*."

24. In respect of Discreditable Conduct, I am satisfied to the required standard that the proven conduct is capable of bringing discredit to the police service and capable of undermining public confidence in the police service. I am satisfied that PC Carter, in using his MPS telephone to photograph and video record messages, videos and photographs sent from others to his personal phone, and then sending it back to his personal phone on 6 occasions with no legitimate policing purpose has the capacity to discredit the service and undermine public confidence in the service. The public must have confidence that the Service will not use MPS-issued ICT and telephone equipment to access, record or capture sexualised images or content. It is not the purpose of misconduct proceedings to be moral arbiters, nor to interfere with the personal life of Officers. However, the use of MPS equipment to continue or facilitate personal – and sexual – communication is bound to discredit the service.

25. I find a breach of Orders and Instructions on the basis that the proven conduct amounts to a breach of the policy documents in relation to ICT and telephone use. The ICT SOP - particularly paragraph 4.2.4.1, states (with my emphasis):

> "*MPS telephony should only be used for primary policing purposes, whether operational or organisational support in nature. To enforce this rule it is expected that MPS personnel use their own privately owned mobile devices to make personal calls and texts. Users temporarily without their own private mobile phone, will be permitted to make occasional and urgent/ emergency calls/ texts from office landlines and mobile devices. This exception is* ***ONLY*** *permitted for users who need to make urgent contact regarding family care responsibilities or for welfare/ domestic purposes. You should minimise any personal or sensitive data on such calls/ texts and delete them no later than 7 days thereafter*"

26. It is evident that the proven conduct is a breach of this policy. An officer using his MPS mobile phone to take a photo of an image sent to his personal phone of a sexual nature, in circumstances where such actions – as I have found – had no legitimate policing purpose must properly be a breach of Orders and Instructions.

27. Finally, I have concluded that a breach of Authority, Respect and Courtesy is also proved to the required standard in the present case. I am satisfied that PC Carter captured private communications between he and other third parties on his work device. As I have already highlighted, I make no judgment as to the purpose of capturing the images onto his work device, but by doing so PC Carter has effectively added those private sexual communications to a system capable of audit by others, which must – I find – have an impact on the third party's right to privacy.

Severity Assessment

28. Regulation 2 defines:

    a. Misconduct as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action;
    b. Gross misconduct as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

29. In reaching a decision as to whether the conduct amounts to misconduct or gross misconduct, I must form a preliminary view as to severity. Assessing severity on a preliminary basis, I have considered PC Carter's culpability and harm.

30. Culpability: I have assessed this on a preliminary basis as high. PC Carter is responsible for his own actions. He took the decision to photograph and video record these private and sexual conversations between he and others using his MPS-issued device, and on six occasions sent those images or videos to his own personal phone. The images appear to be of more than one individual and took place over a number of months with images recorded in November and

December 2025 and February 2026. PC Carter chose to record on his MPS-issued device a number of messages, videos and photos which had been sent to his personal phone. As set out above, it is unclear why he chose to send them back to his personal phone when those messages were already present on that personal phone, but he did, and by doing so effectively used his MPS-device as a means of documenting messages and sending them back to himself.

31. Harm: I assess this on a preliminary basis as high. There is plainly harm to the public confidence. I cannot conclude here that there has been any harm to any specific individual, because there is no evidence from third parties as to how this may or may not have impacted them. That does not undermine the impact on the public confidence, however. I have concluded that a member of the public, aware of the facts of the case would be concerned to discover that PC Carter had recorded these images and videos and shared some of them back to his personal device, especially given the explicit and person nature of those images, videos and messages. The public would rightly expect higher standards from an experienced Police Officer.

32. For these reasons I consider that the allegation has been proved at the level of gross misconduct.

Disciplinary action

33. As I have made a finding of gross misconduct, pursuant to Regulation 62(1) I must impose disciplinary action.

34. In considering the question of disciplinary action, Regulation 62(10) provides that:
    a. I must have regard to PC Carter's record of police service as shown on his personnel record. I confirm that I have done so.
    b. I may consider such documentary evidence as would, in my opinion, assist me in determining the question of disciplinary action.

c. I must give PC Carter, his lawyer or Police Friend and the AA the opportunity to make oral or written representations. I confirm that I have done so.

35. Ms Clark's submission was that dismissal without notice was the only appropriate outcome in the present case. She submitted that the case fell within the ambit of the 2025 amendment to the Police (Conduct) Regulations 2020 and as such the presumption of dismissal following a finding of gross misconduct applied, and that there were no exceptional circumstances in the present case to warrant an alternative disposal.

36. PC Bowden advanced that in light of the cumulative effect of the significant personal mitigation in the present case, exceptional circumstances could be made out and that PC Carter ought to be issued a final written warning. He referred to A Taxpayer v The Commissioners for His Majesty's Revenue and Customs [2025] EWCA Civ 106.

37. I have had regard to the College of Policing's *Guidance on Outcomes in Police Misconduct Proceedings* (2023) which has not been updated to reflect the new Regulations position.

38. On p.15 of the *Guidance* the College of Policing sets out the approach that I must take in reaching a decision as to disciplinary action, which is to:

1) assess the seriousness of the misconduct by reference to:
    a. the officer's culpability for the misconduct;
    b. the harm caused by the misconduct;
    c. the existence of any aggravating factors;
    d. the existence of any mitigating factors;
2) keep in mind the purpose of imposing disciplinary action, which the *Guidance* explains on p.4 are (i) to maintain public confidence in, and the reputation of, the police service; (ii) to uphold high standards in policing and deter misconduct; and (iii) to protect the public.

3) choose the disciplinary action which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Stage 1

Culpability

39. On page 16 of the *Guidance* the College of Policing states that *"Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome."*

40. I have addressed culpability above, which I do not repeat. I am satisfied therefore that the culpability is high.

Harm

41. On p.27 of the *Guidance*, the College of Policing explains that *"Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims."*

42. I have addressed harm above. I therefore assess the harm caused by PC Carter's conduct as high.

Aggravating factors

43. I have considered the non-exhaustive list of aggravating factors in the *Guidance* at p.29.

44. I have reminded myself not to 'double count' matters that I have already considered with the respect to culpability or harm.

45. I don't conclude that there are any specific aggravating factors here.

Mitigating factors

46. I have considered the non-exhaustive list of mitigating factors in the *Guidance* at p.30 - 31.

47. I have concluded that there are no specific mitigating factors here. I have considered the Officer's mental ill-health but have taken account of that in dealing with Stage 3 below.

Overall

48. Overall, I assess the seriousness of PC Carter's conduct as high.

Stage 2

49. I have borne in mind the purposes of imposing disciplinary action.

50. I find that following purposes for imposing disciplinary action are engaged in this case:

    a. **to maintain public confidence in, and the reputation of, the police service.** For the reasons already set out above, an experienced officer like PC Carter must be expected to uphold the highest standards of professionalism. In that context, retaining personal and sexual images sent to him using his MPS-issued phone is likely to significantly impact the public confidence and the reputation of the Service. He has, by this conduct, as I set out above, taken personal communications and introduced them into a system capable of audit and inspection. That was his decision by using his MPS-issued device and was completely without a legitimate policing purpose. I find that by doing so the Officer has undermined the public confidence and risked damaging the reputation of the Service.

    b. **to uphold high standards in policing and deter misconduct.** In order to do so, findings made by me as Chair conducting accelerated misconduct hearings must be such as to mark the seriousness of the misconduct and show to other officers that misconduct of the type considered in this hearing will result in disciplinary action of a certain severity.

Stage 3

51. I was advised by Mr Olphert that that:

a. I must have regard to PC Carter's personal mitigation.
b. Personal mitigation in terms of character statements and the officer's record of service should be taken into account only after the assessment of seriousness has been concluded: *R (O'Connor) v Police Misconduct Panel Chair & Mason* [2025] EWCA Civ 27 at [52]; [62] – [65].
c. When personal mitigation properly falls to be considered, it attracts limited weight in professional disciplinary proceedings in general, and police misconduct hearings in particular: *Bolton v Law Society* [1994] 1 WLR 512 at p.519B-D; *Salter* in [2012] EWCA Civ 2012 at [23]; *R (Williams) v Police Appeals Tribunal* [2016] EWHC 2708 (Admin) at [66] – [67[
d. The weight that can be given to personal mitigation depends on the extent to which the misconduct imperils the public confidence.

52. I have had regard to PC Carter's record of service.

53. I have read and considered the character references provided on behalf of PC Carter from PC North and PC Mervin, who highlight PC Carter's positive qualities as an Officer.

54. I must also, properly, take into account everything which I have read about PC Carter's [redacted] and circumstances at this stage. I confirm that I have done so. Those features are relevant to the way in which I am obliged to consider the balancing exercise on outcome, subject of course to the revised Regulations' presumption of dismissal.

Conclusion as to Outcome

55. I have been invited to consider an outcome less than dismissal without notice on the basis that exceptional circumstances apply here.

56. Under the 2025 amendments to the Police (Conduct) Regulations 2020, I must approach outcome with the presumption of dismissal. Nonetheless I have considered the alternative sanctions and considered whether they meet the public interest and other factors which I am required to balance.

57. I have also taken careful time to consider whether exceptional circumstances apply here which would allow me to reach a finding that I could impose such an alternative outcome. I was advised by Mr Olphert as to the definition of exceptional circumstances given by Lord Bingham in R v Kelly (Edward) [2000] QB 198.

58. Ultimately, and after much thought, I have concluded that notwithstanding the notable personal mitigation in this case, such mitigation cannot be said to amount to exceptional circumstances.

59. I must therefore move on to consider dismissal. Having considered all of the circumstances of the case, the severity of the proven conduct and the public interest and having concluded that no exceptional circumstances apply here, I am satisfied that the only appropriate outcome under the current Regulations in this case is dismissal without notice.

Publication

60. I received brief submissions on publication from the AA. I require the AA to publish this report pursuant to Regulation 63(5). All references to the Officer's [redacted], and any reference to the identity of the [redacted] identified in the messages are to be redacted.

Conclusion

61. In conclusion:
    a. I find the allegations proved;
    b. I find that PC Carter's proven conduct breaches the Standards of Professional Behaviour set out in my decision above;
    c. I find that PC Carter's conduct amounts to gross misconduct; and
    d. The disciplinary action I impose is dismissal without notice; and should be added to the College of Policing Barred List.

Brigid Beehag-Fisher
Commander
16th October 2026