Special Chief Officer James Deller
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, Colin Wingrove – a Metropolitan Police Commander. The hearing took place on 9 October 2026 in person at Palestra House, 197 Blackfriars Road, London, SE1 8NJ.

Hearing in public

3. The hearing was held in public pursuant to Regulation 59(1).

Representation

4. The Appropriate Authority ("AA") was represented by Sam Thomas, of Counsel.

5. SCO Deller was present, and represented by Thomas McGarvey, of Counsel.

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 15 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 SCO Deller provided as follows:

> "*Allegation 1*
> *Between 7 July 2025 and 12 August 2025, whilst a serving police officer with the Metropolitan Police Service, you used an MPS-issued mobile device, IMEI number 351554740273041, to create and retain images of a personal and sexual nature.*

Particulars

i. On 7 July 2025, you used the camera function of your MPS-issued mobile device to photograph images displayed on another mobile telephone depicting a female in a sexualised manner.

ii. On 12 August 2025, you used the camera function of your MPS-issued mobile device to photograph an image displayed on another mobile telephone depicting a naked female.

iii. The images had no apparent policing purpose.

Allegation 2

Between 7 July 2025 and 12 August 2025, whilst a serving police officer with the Metropolitan Police Service, you used an MPS-issued mobile device, IMEI number 351554740273041, to transmit images of a personal and sexual nature to a personal device.

Particulars

i. On 7 July 2025, images of a personal and sexual nature were transmitted from your MPS-issued mobile device to your personal mobile telephone, saved within the device as "My Mobile".

ii. On 12 August 2025, an image of a personal and sexual nature was transmitted from your MPS-issued mobile device to your personal mobile telephone, saved within the device as "My Mobile".

iii. The images transmitted were photographs created using the camera function of your MPS-issued mobile device.

iv. The images had no apparent policing purpose.

Allegation 3

Between 7 July 2025 and 12 August 2025, whilst a serving police officer with the Metropolitan Police Service, you deleted communications relating to the transmission of images of a personal and sexual nature between your MPS-issued mobile device and your personal mobile telephone.

Particulars

i. Following examination of your MPS-issued mobile device, it was identified that WhatsApp messages used to transmit images between your MPS issued mobile device and your personal mobile telephone had been deleted.

ii. The deletions occurred on 7 July 2025 and 12 August 2025.

Further Particulars Relevant to Allegations 1-3

i. The images photographed and transmitted had originally been received using WhatsApp's "View Once" function, The use of the View Once function indicated that the sender may not have intended the images to be retained, copied or redistributed

ii. At the material time, the officer from whom the images originated was junior in rank to you, and it is alleged that there existed an imbalance of rank and seniority between you and that officer.

<u>Professional Standards of Behaviour</u>

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:

- *Discreditable Conduct*
- *Orders and Instructions*
- *Authority, Respect and Courtesy*

In that you used an MPS-issued device to create, retain and transmit personal and sexualised images for a non-policing purpose, subsequently deleted communications relating to their transmission, and retained images that had been shared using WhatsApp's "View Once" function by an officer junior in rank to you.

Such conduct was contrary to MPS policies and instructions governing the use of ICT systems and equipment, lacked respect for the privacy of others, and was likely to bring discredit upon the police service and undermine public confidence in it.

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. SCO Deller has supplied a Regulation 54 response.

9. The response adopts the Officer's MG14 written response under caution and admits receiving, photographing, sharing and deleting the messages. He also accepts that the images were of a personal and sexual nature, but that his retention of them was not sexually motivated. SCO Deller also asserts that there was a legitimate policing purpose to the photographing and forwarding of the messages to his MPS mobile phone.

10. He further accepts that the messages had been deleted from his phone.

11. He denies that the admitted elements of the conduct meet the bar for misconduct or gross misconduct.

Evidence

12. I have been provided with a 41-page hearing bundle by the AA which includes – amongst other documentation:

a. The Investigation Report of DI Alison O'Farrell, authored by DS Jasmine Abbey;
b. A witness statement from DS Wenn, dated 17 April 2026;
c. The MG14 of SCO Deller, dated 13 July 2026; and
d. A witness statement from Ms A, dated 30 April 2026.

13. Prior to the hearing commencing, and at my request, I was also provided with the relevant policies in force at the time.

14. I have considered all of this material.

Factual findings

15. I am required by Regulation 61(15) to review the facts of the case and decide whether or not the conduct of SCO Deller 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) SCO Deller admits it is the case.

16. 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.

17. 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 closing submissions of Mr Thomas on behalf of the AA.

18. I have also carefully considered the MG14 of SCO Deller, his Regulation 54 response, and the evidence presented to me by him at the hearing. I have also taken account of the submissions of Mr McGarvey on behalf of SCO Deller.

19. I find all of the factual particulars **proved** on the balance of probabilities.

20. It should be noted at the outset that the bulk of the underlying facts in the present case were not disputed. SCO Deller accepts that he took photographs using his MPS mobile device of the images received on his personal phone in both July and August which were of a personal – and I conclude intimate – nature. SCO Deller also accepts that he sent those photographs from him MPS mobile device back to his personal phone, and deleted them from his work device. What is in dispute between the parties here, and what I must decide, is what SCO Deller's intention was in doing so.

21. SCO Deller in his evidence also did not accept that the images were sexual in nature, he accepted that they were personal, but could not accept that they could be sexual. Accordingly, I have concluded that I must reach a conclusion regarding that fact to the required standard.

22. In practical effect, this means that I must make findings as to:

    a. Sexual Nature;
    b. Allegation 1(iii);
    c. Allegation 2(iv); and
    d. Further Particulars i-ii.

23. I received advice from Mr Olphert as to the definition of sexual per the s.78 of the Sexual Offences Act 2003. Mr Olphert, for the sake of completeness also advised me as to sexual motivation. Sexual motivation was not formally pleaded by the Appropriate Authority, and there has been no other evidence presented to support a finding of sexual motivation. I do find to the required standard, however, that the photographs were of a personal, sexual and intimate nature.

24. The Appropriate Authority's case is that SCO Deller's intention here was malign, and that there was no policing purpose in the images being sent from his MPS mobile phone to his personal phone, and no policing purpose to deleting them from his MPS mobile phone. By contrast, SCO Deller's case is that the images were retained to "secure and preserve evidence" so that he could consider what steps he might need to take with them and to ensure that they were retained as evidence should the need arise.

25. I have considered all of the evidence before me, and have also considered the live evidence which I received from SCO Deller. I conclude that there was no legitimate policing purpose to SCO Deller's actions.

26. I have concluded this because:

    a. SCO Deller took none of the steps usually associated with the preservation evidence whether in a criminal, civil or management investigation. Most unusually, he states he sought to preserve the evidence on his personal device whilst deleting it from his MPS device. His MPS device can be assumed to be secure. In comparison to his personal phone it is the only device on which any evidence should have been retained in the circumstances.

    b. Importantly, an MPS device can be audited, evidence can be transferred securely, a personal device cannot be audited and is inherently less secure

    c. SCO Dellar took no follow up action to investigate the circumstances in which the images were sent or inform the officer he had received and then retained them. He informed no one.

    d. In evidence SCO Deller stated he deleted the images and associated messages from his work phone to avoid them being seen by others, e.g. colleagues answering his phone for him. This explanation further demonstrates his focus was not on the transparent and accountable retention of purported evidence.

    e. Had SCO Deller taken further steps in line with the usual practice for the preservation of evidence, he would have protected himself from any negative connotations from having received the images unsolicited in the first place. Instead, he chose to retain them on his person device for several weeks using the MPS-issued device to facilitate their retention.

f. SCO Deller is a very experienced senior member of the Special Constabulary. He accepted in oral evidence the appropriate steps for the proper retention of evidence. His suggestion that he retained them on his personal device for this purpose is, I find, incompatible with his knowledge and experience, the oral evidence he gave about general evidence preservation, and the general comments from colleagues in his character evidence.

g. The images related to a junior colleague he knew. On receiving unsolicited images of her he owed the officer a duty of care, through and with her line manager, to check her wellbeing and welfare, and to ensure that she wasn't the victim of crime or any safeguarding issue which might have arisen from the images being shared with him. At the minimum, it could reasonably be expected that he would have taken steps to contact the officer out of respect and courtesy to establish that they had been sent to the wrong person and take any appropriate management action. He did none of these things, either in July on the first occasion, or in August on the second occasion of receiving images.

h. His explanation in evidence was that he had decided to monitor and assess her behaviour after the messages were sent. He stated he attended locations she was due to be present and was that he was waiting to see whether Ms A demonstrated any over-familiarity or flirtatious behaviour towards him. SCO Deller did not give any other explanation for what he might have expected from her or explanation on what steps he might have taken had such behaviour occurred. In my view, that evidence is inconsistent with the asserted rationale that the images were retained solely for evidential purposes and further undermines the credibility of that explanation.

i. I have carefully considered the possibility that SCO Deller genuinely believed he was preserving material which might later prove relevant. However, even taking his evidence at its highest, I am unable to identify any legitimate policing purpose served by the retention of the images in the manner adopted. His subsequent actions, including the transfer of

the images to a personal device, the deletion of the associated messages, the absence of any reporting or recording, and his failure to take any safeguarding, supervisory or investigative steps, are inconsistent with that explanation.

27. I have also concluded that further particulars (i) and (ii) are made out. SCO Deller accepted in his evidence that the 'view once' function indicates that the sender did not intend for the image to have been viewed more than once. I am satisfied that, even without that admission, it was clear that by sending the image using a view once function it was not intended that the image should be retained. It is axiomatic that an image labelled 'view once' was intended to be viewed once.

28. I am also satisfied that there was a power imbalance between SCO Deller and Ms A, although given the circumstances of the sending as set out in the statement of Ms A, I do not find that this factor is particularly significant to my analysis of the factual matrix here.

Breach of Standards of Professional Behaviour findings

29. 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.

30. 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*."

31. 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 SCO Deller, in using his MPS telephone to photograph a 'view once' message sent from the telephone of a junior female officer to his personal phone, and then sending it back to his personal phone and deleting it from his MPS phone with no legitimate policing purpose must properly lead to a conclusion that such conduct is capable of bringing discredit on the police service.

32. 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:

> "*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*"

33. 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, effectively using his MPS mobile phone to subvert the view once nature of the image, in circumstances where such actions – as I have found –

had no legitimate policing purpose must properly be a breach of Orders and Instructions.

34. 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 he retained images of a junior female colleague of an intimate and sexual nature on his own personal phone and had no policing purpose for doing so. SCO Deller did this without the officer's knowledge having used his MPS mobile phone to facilitate the retention. Further, he took no action to inform the officer that he had retained the images, nor did he take any steps to investigate the circumstances in which they were sent. In these circumstances, I am satisfied that his actions fell below the standards expected on a police officer. This was plainly a failure to treat a junior colleague with the respect and courtesy to which she was entitled.

Severity Assessment

35. 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.

36. 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 SCO Deller's culpability and harm.

37. Culpability: I have assessed this on a preliminary basis as high. SCO Deller is responsible for his own actions. He was the Chief Officer of the MSC and therefore an exceptionally experienced officer. He demonstrated during evidence that he understood proper evidence preservation and handling processes. He chose not to follow those processes. Instead, he took the decision to photograph the view once files and then send those photographs back to his own personal phone. This occurred in respect of two separate occasions, and he had ample time to reflect in the weeks between the two

incidents. He also took the decision to delete them from his work phone but retain them on his personal phone for around a month, rather than raising them directly with the officer concerned, or – perhaps more pertinently – with another senior officer.

38. Harm: I assess this on a preliminary basis as high. There is plainly harm to public confidence, and whilst Ms A has not indicated that there was any direct harm to her that does not diminish the seriousness of the conduct or its capacity to undermine public confidence. It is significant that these messages were not intended for SCO Deller but were nonetheless retained by him. I have concluded that a member of the public, aware of the facts of the case would be concerned to discover that SCO Deller, given his senior rank and experience, retained intimate and sexual images of a junior colleague on his personal phone and then deleted the associated transfer messages from his work phone. The public would rightly expect far higher standards of judgement and professionalism from a senior leader. Furthermore, conduct of this nature by the most senior officer within the Metropolitan Police Special Constabulary risks undermining confidence amongst the workforce where he is a role model and expected to set high standards and lead through example. Such conduct therefore has the potential to cause significant reputational harm both to the Metropolitan Police Service and to public confidence in policing more generally.

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

Disciplinary action

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

41. In considering the question of action disciplinary action, Regulation 62(10) provides that:

    a. I must have regard to SCO Deller'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 SCO Deller, his lawyer or Police Friend and the AA the opportunity to make oral or written representations. I confirm that I have done so.

42. Mr Thomas' submission was that dismissal without notice was the only appropriate outcome in the present case. He 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. Mr Thomas asserted, both in his written opening and orally that a conclusion that SCO Deller had retained the images with no proper policing purpose was the only clear inference which could properly be drawn. Mr Thomas drew on his written opening but reflected my factual findings in tempering the submissions from the note, and invited me to consider a number of aggravating features in the present case.

43. Mr McGarvey submitted that I should consider stepping back from dismissal without notice here. He invited me to consider that the messages were unsolicited, and that there was no evidence of an improper relationship. It was submitted that the circumstances here are unique and unusual and that I should conclude that exceptional circumstances apply and impose a reduction in rank.

44. 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.

45. 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

46. 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."*

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

Harm

48. 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."*

49. I have addressed harm above. I therefore assess the harm caused by SCO Deller's conduct as high.

Aggravating factors

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

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

52. I have concluded that the following aggravating factors are present here:

a. His actions were deliberate;
b. SCO Deller was in a position of trust;
c. SCO Deller deliberately sought to avoid the images being discovered on his MPS phone. He sent the images to his personal phone, deleting them and associated transfer messages from his MPS phone. He also did not raise the matter with colleagues or his line management;
d. SCO Deller continued the behaviour after the officer realised or should have realised that it was improper;
e. The conduct was a significant deviation from force policy or national guidance;
f. SCO Deller failed to raise concerns or seek advice from a colleague or a senior officer.
g. SCO Deller was in a position of leadership responsibility - where there is an expectation of acting as a role model; and
h. Multiple proven allegations and/or breaches of the Standards.

Mitigating factors

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

54. I have concluded that there is evidence here of a degree of insight, remorse and responsibility for his actions, which SCO Deller gave in his oral evidence.

Overall

55. Overall, I assess the seriousness of SCO Deller's conduct as high.

Stage 2

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

57. I find that all 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, a senior officer in SCO Deller's position must be expected to uphold the highest standards of professionalism. In that context, retaining personal and sexual images sent from a subordinate's phone on his MPS mobile phone, and then deleting those same images later is likely to significantly impact the public confidence and 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

58. I was advised by Mr Olphert that that:

a. I must have regard to SCO Deller'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.

59. I have had regard to SCO Deller's record of service.

60. I have read and considered the character references provided on behalf of SCO Deller. I note that all of the references speak highly of SCO Deller's performance at work and his dedication to policing and public service. I also note the significant

commendations which SCO Deller has obtained in his long service. This is very much to his credit.

61. I have also taken account of SCO Deller's evidence about his love of the work which he has done with the police Service, and the dedication which he has shown to training and assisting the special constabulary. It is notable that SCO Deller has dedicated a significant amount of his life to serving the public.

62. I conclude, however, that the misconduct here is significant and imperils the public confidence significantly, for those reasons I must place less weight in those references.

Conclusion as to Outcome

63. I have been invited to consider an outcome less than dismissal without notice. In particular SCO Deller asserts, through Mr McGarvey that the conduct is capable of being resolved through the imposition of a reduction in rank because exceptional circumstances apply.

64. Having considered the officer's long record of public service, character evidence, insight and the unusual circumstances in which the images were received, I do not find that these factors either individually or cumulatively amount to exceptional circumstances in this present case.

65. 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. Ultimately, I have concluded that such sanctions fall short of meeting the severity of the proven conduct, and the significant public interest factors which I must balance.

66. I then move on to consider dismissal. Again, having considered all of the circumstances of the case, the severity of the proven conduct and the public interest, I am satisfied that the only appropriate outcome in this case is dismissal without notice and SCO Deller should be added to the College of Policing Barred List.

Publication

67. I received brief submissions on publication. I require the AA to publish this report pursuant to Regulation 63(5).

Colin Wingrove
Commander
9 October 2026