

IN THE MATTER OF

GROSS MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT) REGULATIONS
2020 BETWEEN:

COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

v

PC DAVID BROWN

RESPONDENT OFFICER

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE
POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

1. The misconduct hearing for PC Brown was held in public between 14 and 18 September 2026 at Empress State Building, London. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 (“the 2020 Regulations”).
2. The Panel comprising Commander Paul Trevers (Chair), Ms Mary Anne Poxton and Ms Deborah Fajoye (Independent Panel Members), attended by Legally Qualified Advisor Mrs Tiffany Nestour, considered and heard evidence on one allegation in respect of the Officer:

Being a member of the Metropolitan Police Service,

1. *On 27 March 2025 you attended a session with your sports massage therapist at their treatment room. As the session came to an end you:*
 - (i) *Asked her to have sex with you and said, “Act as though you want to have sex with me”.*
 - (ii) *Took hold of her hands and pulled her in to hug her.*
 - (iii) *Hugged her and without her knowledge undid her bra through her clothing.*
 - (iv) *Said to her, after she pulled away from you, “You haven’t even noticed that I’ve just unhooked your bra”.*

(v) *Said to her, after she sat down to do up her bra, “Look at you, all shit scared, pathetic, trying to get your bra done up”.*

2. *By reason of the matter above in paragraphs 1, 2 and 3 your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to Discreditable Conduct, in that you behaved in a manner which discredited the police service and/or undermined public confidence in it, whether on or off duty.*

3. *Your behaviour amounts to gross misconduct.*

3. The conduct alleged above was alleged by the Appropriate Authority to amount to gross misconduct. PC Brown denied the conduct alleged.

Were the Standards of Professional Behaviour engaged?

4. The Panel considered firstly the question of whether the Standards were engaged and were satisfied that they were. The Officer was off duty during the events that led to the Allegation however the Panel was satisfied that the allegation, being concerned with sexual misconduct, was of a nature that if it was proven it could undermine confidence in the police force and in policing in general. The standard relating to Discreditable Conduct was engaged. The Panel noted in particular that paragraph 2.17 to 2.23 of Home Office Guidance on Police Misconduct (“the Guidance”) states that police officers should not behave in a manner that discredits the police service or undermines public confidence – at any time.

Facts in dispute

5. The complainant, Witness A, alleged that PC Brown did the acts set out in the Allegation above.

6. It was the Officer’s position at the hearing, and in the statements he provided when interviewed under caution, that he was present at Witness A’s work address on the day in question and that he did receive sports massage treatment from Witness A as he had done regularly for the previous four years.

7. PC Brown however denied that he had done any of the acts set out in the allegation.

Findings of Fact

8. In the evidence presented in the bundle and also given in person at the Hearing, the panel was presented with differing versions of events both specifically in relation to the allegations set out in the Regulation 30 notice and in relation to alleged facts which were relevant to the allegations but were background matters which did not in themselves constitute allegations. In its deliberations the Panel was careful to consider the relevance of such matters and how they contributed to the evidence on the allegations themselves.
9. The panel had the benefit of the bundle provided which contained documentary evidence, some of which was disputed and some which was not. The panel considered all evidence in the bundle and watched all video evidence presented as well as listening to live evidence from Witness A and PC Brown. They also read the character bundle submitted.
10. The panel was invited by the Appropriate Authority to make an adverse inference in regard to PC Brown not previously mentioning that he did not have his keys with him during the appointment and that he did not own a keyring of the type described. After hearing legal argument on the point, the panel decided that an adverse inference was not appropriate and none was made.
11. The panel firstly considered the account given by Witness A as to the allegations, and went on to consider PC Brown's account before looking in detail at the supporting evidence. When considering PC Brown's evidence, the Panel took into account the medical issues and evidence which had been disclosed to them. At the hearing, adjustments were offered in order to enable PC Brown to give his evidence to the best of his ability.
12. The evidence regarding Witness A's account started with her disclosure to Witness B and Witness C shortly after the disputed incident on 27/03/2025, as evidenced by their statements dated 09/06/2025. There followed her written request for advice to her professional association SMA on 01/04/2025 and their reply, her online police report dated 01/05/2025, the body worn video of her interview with police officers dated 01/05/2025, Witness A's written statement dated 09/06/2025 and also the evidence given by Witness A at the hearing on 14/09/2025.
13. PC Brown's evidence regarding the events commenced with the Regulatory Notice Form 163 and Form 17 including his response, dated 08/05/2025. PC Brown also submitted a Prepared Statement (undated) and the Record of Interview dated 02/05/2025 which included a reading of that Prepared Statement.

The panel read the MG14 of PC Brown's Response to Questions dated 08/09/2025 and the Questions to which this was a response. The panel considered carefully PC Brown's live evidence and the medical report submitted as uncontested evidence.

14. The panel found that Witness A's account was very consistent throughout the different pieces of evidence referenced above.
15. Whilst the panel was mindful of the fact that the statements from Witness B and Witness C were hearsay evidence, they described what Witness A relayed to them shortly after PC Brown had left Witness A's premises on 27/03/2025 and as such the Panel considered this as evidence of recent complaint. They considered that although the statements were not direct evidence of what happened, they were evidence of what Witness A said about the events just after they were alleged to have happened. The panel considered that the accounts that Witnesses B and C described being given by Witness A were consistent with her later evidence. The panel therefore considered that the statements of Witness B and C were indicative of witness A being credible in her account.
16. The written statement and the body worn video of the interview from Witness A were broadly consistent with her live evidence, despite there being significant time in between the events. There were however some inconsistencies that the panel noted. Firstly, in her initial statement, Witness A mentioned that PC Brown said during the session that he had 5 years to go. She did not mention his pension. In live evidence Witness A said that he had 5 years left to get his pension, and the panel received documentary evidence that PC Brown had not contributed to the Police pension scheme. The panel did not feel however that this discrepancy affected the credibility of Witness A, and thought it understandable that she might make an assumption that if he had '5 years to go' that might in view of PC Brown's age and the good reputation of the police pension scheme, relate to him taking his pension.
17. In her written statement, Witness A describes being pulled in for a hug by PC Brown however she does not go into detail as to where her or PC Brown's arms were. In live evidence she was asked by the panel about this and stated that PC Brown's arms went over her shoulders. It was suggested in submissions on behalf of PC Brown that this made it unlikely that PC Brown could have undone Witness A's bra as described. The panel felt that, in fact, his arms going over her shoulders rather than around made it more plausible that he could have done so without her noticing. To go around the shoulders would naturally entail, as a matter of common sense, holding Witness A at a far wider point than by going over the

shoulders, and would in the panel's view mean that PC Brown would have had to hold her tighter and closer in order to reach to undo her bra.

18. The panel found witness A consistent in her evidence regarding the allegations in the Regulation 30 notice and particularly in relation to the wording allegedly used by PC Brown. There were no discrepancies which were material to any element of the allegations as worded. Witness A's demeanour was consistent with having been significantly affected by the incident, and although the panel was asked to consider whether her reaction to the incident was credible and consistent with feeling threatened, they bore in mind that individual reactions vary and they accepted her account of her reaction. She described in her evidence, given live, that after PC Brown had undone her bra and she had sat down to do it up, during which time he used the words specified in paragraph 1(v) of the allegation, she went to sit on the treatment couch where he was also sitting. It was suggested on behalf of PC Brown that this was not consistent with feeling threatened. The panel accepted Witness A's account that she was trying to de-escalate the situation and noted that in her written statement, she had stated that she moved first to the couch and that she then moved back to the chair as she was trying to get him out. This was not tested in her live evidence.
19. Witness A's message to her professional association was not evidence that the events happened as described, however it was a further consistent account given by her. The panel felt that the timing of the message, coming the day after receipt of a request to rebook by PC Brown, was understandable in that she described wanting some advice on how to respond to him. The panel noted that in her reply to PC Brown she appears to have taken on board the advice given.
20. The panel considered the differing explanations of Witness A and PC Brown concerning the request to rebook and Witness A's reply, and how that was dealt with by both parties. Witness A stated in live evidence that when she replied to PC Brown stating that he had been inappropriate, he did not reply and blocked her. She said that she also then blocked him, because she wanted to ensure that if he later unblocked her, he would still be prevented from contacting her. The panel found this plausible.
21. PC Brown was asked why he did not reply to Witness A and why he blocked her. His explanation was that due to medical issues, he wanted to show it to his partner to check that he had not missed some sort of joke. The panel did not find this credible. The panel felt that PC Brown's reaction, even making adjustments for his medical issues, was not credible, and felt that a serving police officer,

particularly one involved in training, could have been expected to know how serious an allegation that was and ought to have reported the issue to his line management in order to record an early denial. He did not report the issue and did not reply to the message.

22. PC Brown's account of the events was that he thought it was a normal therapy session and that he noticed nothing out of the ordinary compared to previous sessions.

23. Having listened to PC Brown's live evidence and considered the documentary evidence the panel did not find his account of events to be credible.

24. In his written evidence PC Brown stated that at the end of all their sessions, Witness A and he would hug, which she instigated, once in the treatment room and once at the side gate. It was clear from the CCTV evidence at the gate that they did not hug at the gate on this occasion and so PC Brown's assertion that this session was no different than usual was not reflective of the evidence. In the written questions asked to PC Brown, question 8, he was asked why they did not hug at the gate. His written response to this was at para 7 of his responses document and stated that one reason was that it was witness A that instigated hugs and perhaps she did not on this occasion. He also said that it is possible that they hugged in the treatment room. The panel did not find this credible and accepted Witness A's evidence that hugs were instigated by PC Brown when they happened.

25. In relation to events at the gate following the session, this was not part of the allegations, however the panel did find facts thereon as they felt the differing accounts were highly relevant to credibility as to what version of events they should prefer. Witness A described PC Brown being animated and aggressive at the gate, and said that she just wanted him to leave. PC Brown disputed this [REDACTED]. The panel, viewing the CCTV evidence, felt that the images supported Witness A's account. PC Brown was shown to gesticulate sharply towards her several times, and to repeatedly lean his head in toward her. Witness A appeared to gesture brusquely to PC Brown to leave, and appeared to shelter behind the door during the exchange. The panel felt that the body language displayed was consistent with Witness A's account.

26. In live evidence, Witness A described that PC Brown said during the session that he wished to do a 'social experiment' to see if she believed in fate. That he wanted to toss a coin and if it fell in his favour, Witness A would have to do what he said.

She alleged that as he did not have a coin, he used a plastic keyring instead and attempted twice. When on the second try it went in his favour, she alleged that he said they should do 'what boys and girls do', to which she asked 'what, kiss?' and he said 'no, have sex, act like you want to have sex with me'.

27. The wording concerning the keyring toss and social experiment was not part of the Regulation 30 Notice. Whether or not this event occurred was however material to considering how credible it was that the events in the allegation happened as alleged. The panel considered that Witness A's consistent and detailed account of the use of a keyring instead of tossing a coin, and her description of it taking some time to get the keyring off during which time she suggested they abandon the 'social experiment', was entirely credible. It explained the unusual length of the session, at around an hour and forty minutes instead of an hour, far more credibly than PC Brown's suggestion that the extra time was spent looking at her holiday photos [REDACTED]. In coming to this conclusion the Panel considered the fact that it was clear from WhatsApp messages that Witness A had shown him photos on the previous occasion and was therefore unlikely to do so again.
28. Therefore, the panel preferred the evidence of Witness A concerning there having been a request by PC Brown to toss a coin and ask her a question as a social experiment. The evidence of PC Brown was that he did not have such a keyring and that he did not have his keys with him because his partner was at home and he has a tendency to forget items therefore leaves his keys at home when possible. There was no corroborating evidence available in this regard and the Panel was satisfied on the balance of probabilities that Witness A was telling the truth.
29. In relation to evidence given about PC Brown's legs shaking, the Panel considered several pieces of evidence. Again, this was not a part of the allegation however it was felt to be important background as it was part of the incident described and went to credibility. PC Brown's evidence was that his legs tended to shake when he was confined and that this would have happened before in other sessions. The panel had evidence from a medical expert that leg shaking could be a feature of PC Brown's stated condition. Witness A stated in her evidence that PC Brown's legs were shaking in the session but that she had never noticed it before. Her evidence was that on this occasion she specifically decided not to treat the hip flexor muscles because she felt that something was 'off' and it was close to the groin area. PC Brown stated in evidence, when shown where the hip flexors were, that this was not an area which was ever treated by Witness A. The panel considered PC Brown's prepared statement in which he stated that ordinarily

Witness A would lift his legs up to test the tightness of his hamstrings, use creams or oils to manipulate the muscles by applying pressure to 'sensitive areas' of his body. The panel asked PC Brown what he meant by 'sensitive areas' and he stated he meant his shins and calves, which were very painful and sensitive due to his weight and shin splints. The panel did not accept this version of events and preferred the evidence of Witness A that she would usually have treated the hip flexor muscles but did not do so on this occasion.

30. PC Brown gave evidence that after the session he and Witness A hugged, initiated by her, as usual, before they left the treatment room. Witness A's account was that the only hug which happened was as described in the allegation. The panel, particularly in view of the CCTV video seen, found on the balance of probabilities, that the hug occurred in the manner described in the allegation and in Witness A's account. The exchange at the gate did not appear cordial, it appeared tense and Officer Brown appeared aggressive whilst Witness A came across as defensive.
31. PC Brown gave evidence that he had a friendly relationship with Witness A. In his response to caution he said that they had developed a friendship and so he did not mind when she initiated hugs. He repeated this assertion in live evidence. He stated that Witness A had shared personal information about her health struggles and those of her parents, and had shown him holiday photos. He claimed that she had gone on holiday with clients. PC Brown stated that he had not discussed details of his relationship with his partner and had not discussed sensitive medical information with her. He stated that although he had never asked for her personal number, they had a running joke about it because a different client had asked and she had told him about it. PC Brown also said that he had offered to sign Witness A as a guest into his gym as she was considering which local gym to sign up to.
32. When questioned, Witness A stated that her relationship with PC Brown was entirely professional and not a friendship. She stated that PC Brown had asked for her personal number so that he could give her a free gym pass. She recalled speaking to him about a holiday in Italy which was not with clients but with family, and said that she did discuss a possible plan to expand her business by buying a property there. Her account was supported in the Panel's view by the message exchange between her and PC Brown leading up to the 27 March session. His message on 22 February 2025 stating that he felt 'like we proper bonded last visit' led the Panel to conclude that PC Brown's assertion that they had been friendly was less credible than Witness A's account which was that they had always been very professional and that there was no friendship. Her message stating 'It was showing you my holiday pics that done it?!!! You've finally cracked her!!!!!!' was in

the Panel's view indicative that until then there had been no personal connection at all. It also informed the Panel that holiday pictures had been shown on the previous occasion and so PC Brown's evidence that the extra session time on 27 March was partially explained by looking at holiday photos, was not credible. The panel preferred Witness A's evidence on that point, which was that no holiday pictures were shown on 27 March. Witness A gave evidence that PC Brown had disclosed the nature of medication he was taking and that she had thought this might explain the leg shaking. The panel found this credible.

33. It was PC Brown's evidence, that [REDACTED] there was no possibility of sexual motivation on his part.
34. In submissions, the Appropriate Authority referred to the allegation as one of sexual assault, and violence against women and girls.
35. The panel considered this issue carefully from both perspectives. It was satisfied on the balance of probabilities [REDACTED] that sexual motivation would have been at the very most limited. However, they also considered the evidence of Witness A and felt that it was clear that she experienced the events as a sexual assault. They bore in mind that, had a criminal prosecution been undertaken, the offence alleged would have been one of sexual assault whether or not there was evidence that the perpetrator was sexually motivated. The classification of the offence would be informed by the area of the body affected and the perception of the victim.
36. From the evidence examined, the panel formed a view that it was more likely than not that PC Brown had done the acts complained of in the allegations. His motivation was not directly relevant in proving that this was the case, and the panel did not speculate thereon, although it found Witness A's observation that PC Brown seemed to enjoy seeing her scared and vulnerable, persuasive.

Character evidence

37. The panel read the many statements and documents contained in the character bundle presented on behalf of PC Brown. PC Brown is of previous good character, which is in his favour. The colleagues giving statements clearly value him as an officer and described consistently that the allegations presented would be at odds with the behaviour of the officer they know and work with. Of particular note was that there were statements from officers who have significant safeguarding experience as Police officers. PC Brown has been a police officer for many years

and has never before in his career had an adverse finding on misconduct against him.

Findings of Fact

38. Having taken into account the evidence as a whole and weighed the differing accounts of Witness A and PC Brown along with the supporting evidence and character bundle, the panel found the following facts in the allegation proven on the balance of probabilities:

- A. PC Brown on the 27 March 2025 asked Witness A to have sex with him and said 'Act as though you want to have sex with me'.
- B. PC Brown on 27 March 2025 took hold of Witness A's hands and pulled her in to hug her.
- C. PC Brown on the 27 March 2025 hugged Witness A and without her knowledge undid her bra through her clothing.
- D. PC Brown on the 27 March 2025 said to Witness A, after she pulled away from him, "You haven't even noticed that I've just unhooked your bra".
- E. PC Brown on the 27 March 2025, after Witness A sat down to do up her bra, said to her "Look at you, all shit scared, pathetic, trying to get your bra done up".

39. The Panel was therefore satisfied, on the balance of probabilities, that the facts contained in the allegation were proven in full.

Standards of Professional Behaviour

40. The Standard which is alleged to have been breached is Discreditable Conduct.

41. In respect of Discreditable Conduct, the Panel found that the Standard was breached. The Panel found that, having decided that the facts of the allegation were proven, PC Brown behaved in a way that discredits the police service or undermines public confidence in it, despite the fact that he was not on duty at the time. In coming to this conclusion, the panel took into account that Witness A experienced the events of 27 March 2025 as a sexual assault. She was in her workplace attached to her family home, where she should have felt at her most safe, with a client she knew to be a serving police officer. PC Brown abused the trust which she should have been entitled to have in him as a police officer and this is highly likely to undermine public confidence in the police service.

Level of Seriousness

42. The Panel carefully considered the circumstances of the case, and the breaches found to assess whether the breaches amount to misconduct, gross misconduct or neither.
43. Under the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings, gross misconduct is defined as:
"A breach of the Standards of Professional Behaviour that is so serious that dismissal would be justified."
44. To assess the seriousness of the found conduct at this stage, the Panel had regard to the above Guidance, whilst acknowledging the full analysis of the four factors of culpability, harm, aggravating and mitigating factors are to be considered at the second stage of 'outcome'.
45. The Panel determined that the Officer's conduct meets the threshold of gross misconduct cumulatively as the Officer has been found to have treated Witness A in a manner that she experienced as sexual assault, regardless of any argument around his motivation. He initiated unwanted physical contact and unhooked her bra without her consent, violating her dignity. He asked her to have sex with him, and to act like she wanted to have sex with him. He referred to doing 'what boys and girls do'. Further, he then denigrated and humiliated her, saying 'look at you, all shit scared, trying to get your bra done up'. In the panel's view this was a deliberate manipulation of the power imbalance between them and was intended to elicit fear in witness A. The Panel is entirely satisfied therefore that the misconduct is properly to be categorised as gross misconduct.

Part 2: Decision on Outcome

1. Regulation 42 (14) of the procedure provides that when considering the question of disciplinary action, before any such question is determined, the Panel:
 - Must have regard to the record of police service of the officer concerned.
 - May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
 - Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.

2. The Panel heard submissions from both parties as to the appropriate outcome. The Panel also had sight of the Officer's service record as well as the character evidence previously provided and the training record provided by the Officer.

3. The Panel has regard to the Outcomes Guidance and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public interest and to declare

and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Outcomes Guidance. The Panel approached its decision on outcome in three stages to determine the appropriate sanction:

Stage 1: Assess the seriousness of the misconduct.

Stage 2: Keep in mind the purpose of disciplinary action

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

4. In assessing the seriousness of the conduct found proven the panel have had regard to four issues namely: the Officer's culpability, the harm caused by the misconduct, the existence of any aggravating factors and the existence of any mitigation factors

Stage 1: Assessing seriousness

CULPABILITY

5. The level of culpability in this case was assessed as High. The conduct was deliberate rather than accidental or simply reckless. On the evidence it was motivated by at the very least a desire to exert control and elicit fear in Witness A. As PC Brown did not accept that the events occurred at all, there was no alternative motivation put to the panel on his behalf.
6. The Panel felt that the Officer's failure to report the allegation to his superior officer was indicative of a desire to hide the matter from scrutiny. The proper course of action in this matter would have been to report it quickly and ensure that his denial of the allegation was clear. PC Brown should have particularly known to do this in view of his experience.
7. The actions which have been proven in this case are wholly incompatible with the office of constable. Had Witness A been willing to support a criminal investigation the panel have no doubt that this would have been taken forward as an allegation of sexual assault. Whilst the panel made no finding of fact regarding whether the definition of 'sexual assault' in section 78 of the Sexual Offences Act 2003 was made out, it was not required to do so in its determination of whether or not the allegations were proven. However, the panel considers that this is a matter of sexual impropriety at the very least and it was experienced by Witness A as a sexual assault.
8. The panel considered that in view of its finding that PC Brown had asked Witness A to do the 'social experiment' of a coin toss at the beginning of the session, there was an element of planning and intent to his actions. However, in view of the fact that it was found as a fact that PC Brown did not have a coin to toss, it was accepted by the Panel that the planning element was not sophisticated or long-term.

HARM

9. The Panel also considered the harm that was caused to Witness A by PC Brown's actions. She described how the events have left her afraid, distrustful and she described having panic attacks when thinking she could come into contact with him. It was clear to the panel that the effect on Witness A was significant. In

evidence, Witness A referenced that she had to force herself to recommence work very quickly as she was afraid that, should she not do so, she would be unable to work in her chosen field thereafter. Accordingly the level of harm was assessed as High.

10. In reaching that determination the Panel did consider whether there were other factors which affected the wellbeing of Witness A, as requested by PC Brown's counsel. The Panel had the benefit of seeing Witness A give evidence and was satisfied that although she displayed bravery and resilience, she was significantly adversely harmed both physically and mentally by PC Brown's actions. In the Panel's view the manifestation of the panic attacks described by Witness A constituted physical harm. In particular she felt it necessary to pursue therapy in that regard.

11. The Panel also considered that the potential harm to the reputation of the Metropolitan Police force was high. Members of the public need to know that police officers can be trusted whether on or off duty. The Metropolitan Police, as a White Ribbon accredited organisation¹, has made a serious commitment to ending violence against women and girls, and the actions that PC Brown has been proven to have done are directly in conflict with that message and commitment. Accordingly it is considered that his actions seriously undermine and harm the reputation of and public confidence in the Police.

AGGRAVATING FACTORS

12. The Panel considered that the fact that PC Brown had a long standing professional relationship with Witness A over four years and that he had previously advised her around security in her workplace, was an aggravating feature as it capitalised on the trust he had built up with her.

13. The Panel considered that PC Brown's blanket denial of the facts in this matter showed no compassion for the effect on Witness A of the actions he undertook and accordingly he has shown no remorse or understanding of how these events have affected her, concentrating solely on the effect on him and his family.

¹ On the conclusion of the Hearing it was clarified the MPS is not formally recognised as a White Ribbon Organisation. It does however have a detailed VAWG strategy.

14. The Panel considered that the degrading comment to Witness A, calling her 'pathetic' and 'shit scared' was an aggravating feature of his actions.

15. In terms of the national and local concern regarding sexual impropriety and trustworthiness of police officers to female members of the public, the Panel found that this was an aggravating feature in this case. The Metropolitan Police has been central to extensive work being undertaken to restore public confidence in this regard and actions such as those proven in this case seriously undermine that work.

MITIGATING FACTORS

16. The Panel considered that this was on the face of it an isolated incident in an otherwise successful career as a Police Constable.

17. The Panel considered the fact that PC Brown was not on duty at the time and that he was not acting as a Police Officer during the incident.

18. There is no suggestion that PC Brown has ever before come to attention for inappropriate behaviour either on or off duty. He is given full credit for previous good conduct.

PERSONAL MITIGATION

19. The Panel took into account the Officer's previous record of service and the personal mitigation submitted on his behalf by way of statements from other serving officers.

20. The Panel took into account the medical evidence which was supplied on the Officer's behalf.

21. The Panel was throughout their deliberations mindful of the risk of double counting and have taken this into account when deciding on outcome.

Stage 2 - purpose of the regime

22. The Panel were reminded of the three-fold purpose of the misconduct regime in considering the appropriate outcome in this case; particularly that the police misconduct regime is not designed to punish police officers. It is about the reputation and standing of the profession as a whole.

Stage 3 - appropriate outcome

23. The Panel started, as they are required to do (due to this being a pre-commencement allegation to the May 2025 Regulatory changes), with consideration of the least severe sanction first. The possible sanctions were:

a) Final Written Warning

24. The Panel did not consider that public confidence would be maintained by imposing a final written warning, particularly in view of the fact that this is a matter of sexual misconduct or impropriety. In addition, they had significant concerns as to the deterrent effect on other officers. A final written warning, of the maximum length, would not in their view deter others or appropriately mark the seriousness of his conduct.

b) Reduction in rank

25. The Panel acknowledged that this was not an appropriate sanction for them to consider in this case as the Officer's rank is that of constable.

c) Dismissal without notice

26. The remaining option is dismissal without notice. The Panel concluded that the only appropriate outcome due to the nature and severity of the breach of the Standards of Professional Behaviour was dismissal without notice.

27. Therefore, the outcome is that the Officer is dismissed without notice. Accordingly, the Panel recommends that he is to be placed on the barred list.

Commander Paul Trevers

18 September 2026