

MISCONDUCT HEARING OF APS RYAN COTTER HELD ON 20 JULY, 2026

OUTCOME REPORT

All references to “the Regulations” is to the Police (Conduct) Regulations 2020 (SI 2020/4) (as last amended by the Police (Conduct, Performance, Complaints and Misconduct) (Amendment) Regulations 2024 (SI 2024/521) unless otherwise stated.

In accordance with regs. 41(15) to (17); 42(1), (3) and (13) and 43 of the Regulations the following outcome report and decisions as issued.

The Panel

1. The Panel consisted of the Chair Cmdr. Brittain and IPMs Mrs Uppal and Mr Walker.

Anonymity and reporting restrictions directions

2. The Interested Persons, [Person A] and [Person B]
3. were anonymised during the proceedings to be respectively known as Person A and Person B.
4. Person A has anonymity under the Sexual Offences (Amendment) Act 1992 and anonymity was granted to Person B because of the domestic abuse nature of the allegation.

5. After the Panel's decision, the Chair agrees to maintain Persons A's and B's anonymity in accordance with regs. 33 and 43(10) of the Regulations. Person A benefits from the presumption of lifelong protection from publication under s.1 of the Sexual Offences (Amendment) Act 1992.
6. The Chair had Articles 8 and 10 under Schedule 1 to the Human Rights Act 1998 in mind when the decision was made and reviewed.
7. This report is to be published by the AA with the IP's names and details redacted.

Allegations

8. The two allegations as set out in the Reg. 30 were:

"1. Sexual Touching of Person A:

- a. In November 2021, whilst at a work drinks at the [Redacted] Public House in London [Redacted], in relation to a colleague Person A you
 - i. placed your hand on her right upper thigh over the clothing, and then
 - ii. leant in and attempted to kiss her on the lips.
- b. This occurred whilst the colleague with whom you and Person A had both been drinking had gone to the toilet.
- c. Person A only managed to avoid the sexual assaults by (i) moving your hand from her thigh when you put it there, and (ii) moving her head to the side resulting in you only being able to kiss her cheek.
- d. This conduct was unwelcome and unwarranted, and amounted to a sexual assault of Person A.

2. Physical Assault of Person B:

- a. On 30 April 2023 during an argument at your home address, you threw some belongings of your then partner Person B into the area outside the front of the house and then locked Person B out of the property. When she called police about this, you readmitted her to the house.
- b. However, as the argument continued you then proceeded to assault Person B in the hallway by

- i. pushing her up against the wall and
- ii. grabbing her by the throat / neck and upper body area.
- c. This action caused Person B pain, distress and fear.
- d. When it was clear that Person B might call police again and report this assault, you hit yourself in the head several times saying “If I get arrested, so do you”, thereby implying that you would make a false counter-allegation to police that Person B had assaulted you.”

Procedural Background

- 8. Allegation 1 came to the AA’s attention on 28 March 2023 and allegation 2 on 30 April 2023. The Officer was notified about allegation 1 and served with a Reg. 17 notice dated 20 April 2023 but not served until 23 October 2023 of the gross misconduct investigation against him in relation to the allegation. For allegation 2 a Reg. 17 notice was issued on 2 May 2023.
- 9. On 1 September 2025 the Officer was served with a Reg. 30 notice for both allegations. A Reg. 31 response was filed by the Officer on 10 October 2025 and a further Reg. 31 response followed at a later date.
- 10. A pre-hearing was held on 12 December, 2025.
- 11. The hearing commenced on 20 July 2026 for 5 days. At the hearing there was an agreed Hearing Bundle (HB) and additional evidence was admitted:
 - (a) MG11 of [Redacted] dated 25 April 2025;
 - (b) MM1 dated 27 April 2023 with the following annexes:-
 - i. undated email from Insp. Monahan titled “Support/Changes”;
 - ii. undated email from Ryan Cotter titled “Pictures from my camera roll”
 - iii. email chain between [Redacted] and Insp. Monahan, DI Riviere, C/Insp. Doran and others including emails dated 4 December 2022 titled “RE PC Ryan COTTER 2580CN”;
 - iv. email from PS Troni to “Clare Hobson” undated and titled “Result of fact find”;
 - v. email chain between Insp. Monahan and PS Fraser from 13 and 16 December 2021 titled “FW Not Present”;

- vi. undated email from Insp Wilde, Insp. Monahan and PS Colville dated 11 May 2022 and titled “FW: Possible unfit to drive on duty due to drink etc. PC Ryan Cotter”;
 - vii. email chain between [Redacted] and Insp. Monahan, DI Riviere, C/Insp. Doran and others including emails dated 4 December 2022 titled “FW PC Ryan COTTER 2580CN”;
 - viii. Email chain between Insp. Monahan, Insp. Wilde and DS Mallett dated between 11 to 31 March 2022 titled “FW: WCDT this afternoon”;
 - ix. PDR of PC Ryan Cotter dated 14 July 2022;
 - x. PDR of PC Ryan Cotter dated April 2022;
 - xi. email from James Lennox to Insp. Monahan undated titled “Events”;
 - xii. email from PS Troni to Insp. Wilde and others undated titled “A concern that needs to be addressed.”;
 - xiii. emails between DI La Riviere and Insp. Monahan dated 8 July 2022 titled “163 to serve”; and
 - xiv. email from Insp. Monahan undated titled “Changes/Team Structure”.
- (c) MG11 of [Redacted] dated 22 July 2026;
 - (d) MG11 of APS Ryan Cotter dated 20 July 2026 including:
 - i. exhibit REC/1;
 - (e) MG11 of APS Ryan Cotter dated 20 July 2026 including:
 - i. exhibit REC/2;
 - (f) MG11 of Person B dated 20 July 2026 including:
 - i. exhibit [Redacted]/1H; and
 - ii. exhibit [Redacted]/2H;
 - (g) WhatsApp_Chat download from Person B’s phone from 4 October 2023 17:14:22 to 5 March 2024 16:31:11;
 - (h) MG11 of Person A dated 20 July 2026; and
 - (i) DPS response to the MM1.

12. All applications to admit further evidence were not opposed. Although the AA in not opposing the admission of the MM1 argued unfairness to Person A and the AA in general due to the late application after the close of the AA’s case and the fact that the material had not been put to Person A or Insp. Monahan.

13. The Chair decided to admit the further material as relevant and necessary. Specifically in relation to the MM1 the Chair took into account the following:
 - (a) His duty to ensure the fairness of the proceedings [Reg. 29(1)];
 - (b) Article 6 of the ECHR is engaged as this is a decision on the civil rights of the Officer;
 - (c) fairness is a concept assessed on the proceeding as a whole; and
 - (d) there is flexibility in the proceedings that can be adapted to ensure fairness.
14. The concern raised by the AA around the inability to put the material to witnesses was noted by the Chair. However with the fairness of the Officer also being considered, the Chair did not consider its admission and use would be “unfair” to the AA. The document was an AA document. Although being admitted after the AA had finished presenting its case, it was not new material of which the AA had no prior knowledge. It was material that the AA had been under a direction to disclose after the pre-hearing in December 2025. It had failed to do so. The MM1 went to the issue advanced by the Officer that Person A and [Redacted] had been maliciously targeting him using whistleblowing channels and the Officer’s position was made clear both during interview under caution on [ROTI dated 1 May 2023] and his Reg. 31 response. The document only came to light at the hearing because the Officer had been given a copy and had presumed it was in the agreed Hearing Bundle after the pre-hearing directions, when in fact it had been failed to be disclosed. The AA had ample time and scope to adequately deal with the MM1 and call witnesses as well as putting the material to those witnesses called – i.e. Person A.
15. The Officer recognised only limited weight could be given to the material because it had not been fully challenged.
16. The Chair considered the position the AA in not opposing the admission of MM1 but to seek that no reliance be placed on it- failed to recognise the AA’s responsibility for the late admission, the early opportunities it had to deal with the material in the proceedings. Also the inherent unfairness to the Officer of denying him the ability to place any reliance on exculpatory material primarily based on a serious procedural failure by the AA would have been unfair.
17. The fairness and integrity of the proceedings could be maintained by the Panel recognising the fact that any issues around the material had not been fully dealt with in the proceedings when giving weight to the evidence.

18. The only live witnesses were Person A, Person B and [Redacted].
19. During cross examination by the Officer, Person B refused to answer any other questions on the basis of legal advice only part way through her evidence. This left the Panel with only partial responses to the Officer's challenge. The legal advice was not disclosed to the Panel.
20. At the close of the AA's case the Panel heard a submission for no case to answer from the Officer. This focussed on the credibility of Persons A and B. Both allegations relied on the credibility of Persons A and B respectively with it being their respective accounts against the Officer's.
21. The Panel were conscious of the case to answer test not being about their determination but the ability of the evidence, on one view, being sufficient that a properly instructed Panel could find the allegation proven. The standard of proof is the civil one of being more likely than not.
22. For allegation 1 the Panel considered that Person A's credibility had not been so fundamentally undermined that no Panel could rely on her evidence. There were key discrepancies in her account compared to others. The Panel were mindful of two points: (1) it is not uncommon for victims of sexual assault not to fully recall the facts of the incident; and (2) the passage of time had naturally had an impact on the recollections of Person A as well as [Redacted]. A Panel could give both factors such weight as to prefer Person A's account
23. In allegation 2 there were contemporaneous accounts from Person B from the 999 calls, her mobile recordings and the body worn footage of the first responding officer. There are subsequent inconsistent accounts and Person B had admitted to lying in a MG11 and refused to answer further questions about whether she has lied about her accounts. Her credibility is certainly in issue, however her evidence was that the inconsistent accounts were the result of her trying to "protect" the Officer and having been emotionally manipulated in a coercive and controlling relationship by the Officer who had breached bail conditions to re-establish contact with her a short time after his release from custody. The Panel could not exclude to the degree necessary for a no case to answer decision that the coercion was a possible explanation for the actions which undermined, at least in part, Person B's credibility.

24. A second explanation was that Person B was acting out of malice and jealousy once the Officer had ended the relationship. As that was not present at the time of the contemporaneous accounts, it was open to a Panel to consider the first account was not tainted by jealousy or malice.
25. In accordance with *R (on the application of Metropolitan Police Commissioner) v Police Misconduct Panel* [2025] EWHC 1462 (Admin) (*Neale*) at paras. 13, and 17 to 19; and *Lloyd Brookes v The Director of Public Prosecutions and Another* [1994] 1 AC 568, [1994] 2 WLR 381 at 389; the Panel consider the questions around credibility are not sufficiently clear to support a no case to answer application and it was dismissed.
26. The Officer did not give evidence as is his right.

Law and Guidance

27. The Panel had the benefit of the LQA's advice on the relevant evidential test, standard of professional behaviour and guidance; whether a warning against self-incrimination needed to be given to a witness; advice on the case to answer application; and a closing advice. [See LQA Hearing Advice Notes 1 to 4]

Panel's findings

28. The Panel has made its decision about the facts and whether the allegations are proven. The Panel are restricted to how the allegations are put in the Reg. 30 and contextualised by the AA. The burden of proof remains on the AA to discharge on the balance of probabilities.

Allegation 1

29. The Officer denied the allegation in full.
30. Person A was clear in what occurred was sexual assault:
- (a) he placed his hand on the clothed part of her upper thigh;

(b) when she moved his hand he held her hand and said “we are friends” to which Person A replied “sure, yeah, we are friends”;

(c) he became emotional and leaned in to kiss her on the mouth which she only avoided by turning her head so he kissed her cheek. [MG11 at HB 83 and oral evidence]

31. Taking the acts described, the Panel are satisfied this would amount to sexual assault being non-consensual sexual touching if the placing of the hand is combined shortly after with an attempted kiss on the mouth.

32. However, the inconsistencies begin to appear. Person A maintained in cross examination that the kiss occurred straight after the touching. The AA placed weight on the “corroboration” for Person A that can be taken from PS McCann’s. The Panel has looked at PC McCann’s account which states:

“... used the open palm of his hand and placed it onto her thigh, above her clothing. Person A stated that she immediately moved PC Ryan COTTER’s hand from her leg, **then moved away from PC Ryan COTTER, staying away from him for the rest of the night.** Person A continued to say, that at the end of the night, **when everyone was leaving and saying “Goodbye”, PC Ryan COTTER had gone to kiss her on the lips.** Person A stated that she had moved her head and PC Ryan COTTER had missed kissing her, to which she laughed it off and left.” [MG 11 dated 14 July 2023, emphasis added]

33. The Panel can see a significant difference between a touch and then a kiss, compared to a touch, and then an attempted kiss not in the context of being alone with the Officer; but whilst saying goodbye. It is the Panel’s common experience that persons may exchange social kisses when leaving each other’s company. The later account given to PS McCann could illustrate non-sexual touching or at least an ambiguous situation where there is insufficient evidence to show sexual touching on the part of the AA’s case.

34. Person A’s own account and that given to PS McCann also differ around the touching.

Person A’s statements do not detail how long this was for, while her account to PS McCann is she moved the Officer’s hand “immediately”.

35. Person A considered the touch and kiss were sexual and was clear during cross-examination that she considered it was a sexual assault.

36. Person A's later account considered the Officer was "intoxicated" and in oral evidence she stated he was "very drunk" and was confused to the point he was not aware if he was phoning his current or his ex-partner [see MG 11 dated 28 February 2024, HB 87]. In her account she states he said "we are friends" to which she replied "Sure yeah we are friends" [MG 11 11 May 2023 at HB 83]. In oral evidence she explained that it was common, in her view, that the Officer would make comments to people about being friends.
37. Person A did not describe any other interactions before or after with the Officer that were sexual in nature or tone. In oral evidence she said she gave no "signals" of attraction to the Officer, she was "nice to him" but they were not close friends.
38. On one version of Person A's account to the Panel this was an aggressive non-consensual assault by the Officer, that was sexual.
39. A further version taking an objective interpretation but based on Person A's direct accounts or via PS McCann is contextually different. The Officer is heavily intoxicated and it is common sense that social space and boundaries can be more difficult to judge in such a situation. The context of the drinks – in memoriam to a colleague – may have added to the emotional state Person A said the Officer was in. The touch was an open palm laying on with no additional force or manipulation. Both Officers were sitting side by side. The touch was fleeting because Person A removed the Officer's hand and did not state there was any resistance to this. Instead the Officer asked about friendship which was not an unusual remark and a quite common topic of conversation by the Officer. The kiss may not have occurred until they were leaving, which again presents a different social context.
40. No other witness corroborates any of Person A's account of the assault. Even on her own statements there are alternative interpretations which would fail to shift the burden of proof on the AA. This is before the Panel consider the evidence of the Officer and [Redacted].
41. [Redacted] is a key individual in the AA's narrative of events. He is the only one to have been with Person A and the Officer shortly before and after the incident. His leaving to go to the toilet appears to be the opportunity taken by the Officer to make an advance on Person A under her account [MG11 11 May 2023 at HB 83].

42. [Redacted] evidence in no way corroborates Person A's account of the central incident.
43. First, [Redacted] recalls that the drink in memoriam for a colleague occurred on 21 October 2021 [oral evidence]. Second, this was the only event of its type for that colleague at that pub [Ibid]. Third, he arrived around 14:00 and left between 16:00 to 17:00 [Ibid and MG11s dated 25 April 2025 and 22 July 2026]. Fourth, he left to meet friends in another part of London and provided the extract of a phone chat dated 21 October 2021 and timed at 16:53 indicating he was en route to meet them: "I'll be like 20 minutes or so!" [MG11 dated 22 July 2026]. Fifth, he does not remember interacting with the Officer or Person A on the 21 October 2021 [oral evidence and MG11 dated 25 April 2025]. Sixth, when he left the pub the majority of the team who attended were still there [oral evidence]. Lastly, he has no recollection of being in the pub in November 2021.
44. The only facts that corroborated any of Person A's account of the incident are insignificant for the purposes of the Panel. He confirmed that the venue was the [Redact] pub and that it was regularly frequented by the team after a "second early turn" which amounted to at least once a month [oral evidence].
45. The contrast with Person A's account is stark especially around the key facts of presence, date and time when the incident occurred. Person A is clear it occurs just before the pub closed at around 22:00 [MG11 dated 11 May 2023 HB 83]. There is a significant difference between potentially 16:00 and 22:00 in terms of timings. A bigger difference is the date as Person A originally told PS McCann that it was around the end of November 2021 [MG11 dated 14 July 2023 at HB 95]. This is before the starkest contrast being [Redacted] not being present immediately before or after the incident.
46. The Officer's first Reg. 31 response sets out that on the date given by [Redacted] - 21 October 2021- he left the pub no later than 17:30 as he was on a GT operator course the next day [see also ROTI dated 19 June 2024, at 1.36 HB 100]. The AA have not provided any evidence to disprove his enrolment on a course on 22 October 2021 and the Panel note that in his PDR dated from 15 July 2021 to 14 July 2022 by [Redacted], it is recorded that the Officer attended and passed the GT Operators course between these dates.
47. Throughout these proceedings Person A has maintained that the drinks at which the incident occurred were in effect a wake or memoriam for a colleague who died of COVID-19. The

death and the cause of death are striking to the Panel, and facts not easily misremembered or forgotten. Person A has suggested that there were more than one occasion of the team drinking and remembering their colleague. However, she has not provided any dates and no other officer's evidence has been filed by the AA to indicate that the 21 October 2021 date is wrong or one of many. Both the evidence of Person A and [Redacted] show other officers from the team were present and could have provided this evidence.

48. [Redacted] only recalls the 21 October 2021 and most importantly identifies this as the only date he knowingly attended the pub over October or November 2021.

Credibility

49. This has been a major factor in these proceedings.

50. The Officer claimed in interview that the reported sexual assault was malicious. He identified Person A and [Redacted] as running a campaign against him and attempting to force him out of any promotion roles to the advantage of Person A. The Panel have seen the Officer's PDRs and the appendices to the MM1 [Redacted].

51. [Redacted]

52. The Officer also alleges that [Redacted], he was blamed by Person A for a "right line" report which raised this; and after Person A was told she would not be getting the "ERO" job they were both competing for the complaint was received a few days later:

"[Redacted] I had two DPS right lined for misuse of drugs, so I got tested, both come back negative. I had four or five allegations of drinking on duty, tested on the point with Inspectors, all negative. Erm, [Redacted] Erm, **she was then after my job, as ERO, she got told she was gonna get it** then she made like some drastic mistakes on some stuff and she got told quite abruptly by one of our Inspectors that she wasn't taking my job because she was incompetent and then funnily enough **a couple of days later I had this complaint come in. I think I'm pretty sure it was like three days after she got told this complaint come in.**" [ROTI dated 19 June 2024 at 17:50 HB 109, emphasis added]

53. The Panel note from the MM1 that the multiple right line reports against the Officer have been since [Redacted] has joined the team [MM1 at p.5].
54. The Panel do note that the use of complaints to damage the Officer's career progression in favour of Person A's own progression was not raised by the AA or the Officer with Person A in oral evidence.
55. The credibility of the Officer has come under question due to his behaviour in relation to allegation 2, as detailed below.
56. [Redacted] came across as a credible and honest witness. The Panel have no problem in placing due weight on his evidence and recollection.
57. Person A denies [Redacted]. But the Panel heard from [Redacted] [Redacted] that there was a rumour [Redacted] in the team [oral evidence]. The MM1 indicates [Redacted]
58. It is not taken as proving [Redacted], it does go to support a suspicion the Officer held and why he may have thought there was a basis for making the accusation in interview.
59. The Panel also note the timing coincidence between the suggestion Person A was told she would not get the ERO role and the complaint being reported by Person A. The Casey Review final report was also published in March 2023 and this was Person A's admitted prompt for reporting the incident [oral evidence].
60. The Panel had the advantage of seeing Person A give live evidence. When cross-examined about the dates of allegation 1 which she gave and then settled on, the Panel found aspects of her evidence on this issue difficult to reconcile with the wider evidence. As to why she withdrew from the criminal investigation, she referred to her familiarity, borne from being an investigator, with the limitations of a process which she considered was "going nowhere" as there was "no evidence".
61. The Panel reflected that Person A, as an investigator, would have understood that both criminal and misconduct proceedings are evidence based. Her explanation for withdrawing co-operation from the criminal proceedings, namely her assessment that there was limited supporting evidence, was considered alongside the later reporting of the incident after 18

months. The Panel considered that the passage of time had an unavoidable impact on the availability and quality of evidence. Her position that she was content for the matter simply to be investigated was considered with that wider context in mind, including her professional understanding that any investigation may have consequences beyond an initial review.

62. The Panel accepts victims of sexual assault can take time to process and come forward, and all allegations are serious. The 18 months it took for Person A to process the alleged conduct, as particularised, which was at the lower end of the spectrum of sexual assault, appears to have coincided with other events: the increased criticism of the Officer's performance and work attitude by [Redacted], a run of right line report which all proved groundless, and competition between Person A and the Officer for an ERO role which Person A was not expected to get.
63. In oral evidence when questioned about her interactions with the Officer at the Christmas party 7 weeks after the incident. Person A mentioned she had only been convinced to go because team colleagues had promised not to leave her alone with the Officer. She said she had disclosed the incident to colleagues, one of whom was [Redacted]. No names or accounts were provided to corroborate this and when questioned [Redacted] denied having any knowledge of the incident before DPS had contacted him [Redacted]. No team member reported any allegation of Person A's sexual assault either themselves or by a right line report.
64. There is also the suggestion that Person A is a participant in a campaign to be promoted over the Officer. It may not be fully evidenced but the suggestion is more than fanciful from the details in the MM1.
65. For completeness the Panel places little or no adverse weight on Person A's interactions with the Officer at the Christmas Party. The photos are limited, the explanation that Person A did not want to miss a main social event with friends and she did not want to cause a scene with the Officer seem reasonable explanations for her attending the same event as the Officer.
66. The Panel considered that, when assessed alongside the wider evidence, Person A's evidence could not be relied upon without careful consideration.

Delay

67. The delay in reporting allegation 1 for 18 months has had a significant and detrimental effect on the ability to secure evidence. [Redacted] evidence is a good example of how key details may not be recollected because of the passage of time.
68. The Panel have weighed the evidence taking into account how this has hampered the Officer in presenting an effective defence to the allegation.

Conclusion

69. Based on the Reg. 30 on the facts before the Panel it considers it more likely than not that the “wake” or memorial drinks were on 21 October 2021, at the [Redacted] pub and the Officer, Person A and [Redacted] attended. However it is more likely than not that [Redacted] left between 16:00 to 17:00 with another officer and the Officer left around 16:30. [Redacted] did not attend the pub in November 2021. That being the case the Panel determine that the standard of proof has not been met by the AA to show the Officer sexual assaulted Person A around 22:00 on 21 October 2021 or on another date in November 2021.
70. Additionally, when Person A’s evidence is considered alongside the other evidence, the Panel is unable to place sufficient weight on it to support the AA’s case.

Allegation 2

71. The AA at closing stated they were not advancing the alternative case that the Officer’s admission to holding Person B’s shoulders would also amount to misconduct. Also honest and integrity is not a charged issue around the threat by the Officer to falsely report Person B for assault.
72. Dealing succinctly with parts 2(a) and (d), an essential element of the offence of assault is the use or imminent threat of the use of force is missing. The Officer admits it was “childish” and spiteful to lock her out and Person B does not articulate any fear of or use of violence against her, she expresses mere annoyance at being locked out of her home. Equally, with the Officer’s threat of reporting Person B no evidence has been adduced of any physical or psychological harm to amount to an assault.

Credibility

73. For allegation 2 this is the major issue as this is Person B's word against the Officer's.
74. The Panel consider Person B's credibility to be fundamentally undermined for the entire allegation. During oral evidence she admitted lying on the MG11 dated 15 May 2023 (the account is also reflected in MG11 dated 21 January 2025) as the facts set out were not true. Person B then refused to answer further questions for a significant portion of her oral evidence citing legal advice. Although not under oath this severely hindered the Panel's own assessment of her accounts and the Officer's defence.
75. The Panel consider they are in a position where they can give little weight to her reasoning and justification for her actions and those of the Officer.
76. Person B answered in oral evidence that she had been manipulated by the Officer into giving alternative accounts and withdrawing her co-operation with the criminal proceedings [see also MG11 dated 20 July 2026 at p.2 (July MG11)]. She describes in her oral evidence and the July MG11 seeing a profile message posted by the Officer similar to "When you wish you could say sorry to someone" which she "...immediately felt that it was a message to me.". This was around 3 days after the incident and the Officer was on court bail with conditions not to contact Person B directly or indirectly. Person B knew this but she:
- "...wanted him to contact me... I wanted to speak to him, as I loved him and missed him. I was scared he was going to hate me for getting him arrested and calling the police. Everything in my life was changing.... I was afraid I was going to lose him. I also felt that everything was falling on me both financially and practically,... I had no support in [REDACTED] to help." [July MG11]
77. She resisted and it was the Officer who (she claims) contacted her directly and from there contact restarted. The Panel did not see any of these early messages.
78. In oral evidence she raised for the first time that the incident on 30 April 2023 was not the first violent incident, but one of at least five (5) occasions but no details were given. She also admitted that the relationship could be volatile where both parties would often argue.

79. The Panel have considered the Home Office Statutory Guidance *Controlling or coercive behaviour: statutory guidance framework* (27 July 2023) (HOSG), and in relation to this case note the following:

- (a) controlling or coercive behaviour is a repetitious and ongoing pattern of behaviour;
 - (b) that the perpetrator knows has a “serious effect” on the victim being either;
 - (c) the fear of violence on “two or more occasions” and or;
 - (d) “caused serious alarm or distress that has a substantial adverse effect on the victim’s usual day-to-day activities”;
 - (e) examples of which include-
 - i. stopping or changing how someone socialises
 - ii. physical or mental health deterioration
 - iii. restricting financial independence
 - iv. feeling unable to visit family and friends,
 - v. feeling unable to take part in activities they enjoy,
 - vi. becoming socially isolated,
 - vii. being punished or having to follow “rules”,
 - viii. living in fear of punishment
- [see para. 21 and s. 76(4)(a) and (b) of the Serious Crime Act 2015].

80. The Panel also took note of the list of behaviours which can fall under the definition at para. 32 of the HOSG and in particular the following:

“Physical and sexual violence/abuse and violent behaviour
Physical violence, and threats of physical violence;

...

Emotional and psychological abuse

...

Verbal abuse;

...

Controlling behaviours

...

Economic abuse (e.g. coerced debt, controlling spending/bank accounts/ investments/ mortgages/ benefit payments);

...

Threatening behaviours

...

Intimidation or threats to go to the police to report alleged offending.”

81. The evidence before the Panel of coercive and controlling behaviour is limited. The violence described by Person B is generic and no details were provided. There is a difference between verbal arguments and verbal abuse and the only instance before the Panel is the time the Officer is alleged to have called Person B a “bitch”. The Officer dealt with this during his interview under caution:

“[Cotter] Probably. I think I did say to her about she wasn’t being as supported as what I thought she could have been

DC Storey Did you phrase it as nicely as you just have or did you call her an un-supported bitch?

00:28:22 Cotter I probable called her an un-supported bitch

DC Storey Ok

Cotter Because we were bickering all day you know. She’s no saint in this either and she can call me all the names under the sun. That’s the relationship that we have, we do swear at each other. Its not an uncommon thing like she could be down the back of the yard and shout oi dickhead, and she’s do the same to me. It’s just, that’s not an uncommon thing

DC Storey Ok

Cotter I know there’s no excuse for it but its not an uncommon thing that we both do that to each other” [ROTI dated 1 May 2023 at HB 204]

The Panel are not in a position to determine there was verbal abuse that would amount to controlling or coercive behaviour.

82. When it comes to economic abuse the Panel note the financial relationship between Person B and the Officer is uneven in her view [July MG11] but the details are insufficient for the Panel to determine this was part of any control or coercion by the Officer.

83. Finally there is the alleged threat on 30 April to report Person B to the police. The Panel accept there could be an element of control in this example. In interview the Officer admitted making the statement but gave a different context to an outright threat:

“[00:44:25 DC Storey] Ok. She said at that point she wondered what was going on and you said to her, if I’m getting arrested you’re getting arrested as well. Did that happen?
Cotter Probably

DC Storey What did you mean by that comment then?

Cotter Like more with her, if, both of us were having a verbal argument, its more of a domestic element so yeah I probably did say. Did I mean it, probably not. Was it just more the heat of the moment comment in a stupid argument between us.” [ROTI dated 1 May 2023 at HB 214]

84. The context is in the heat of an argument and the Panel note the threat was not mentioned to the attending officers, but was raised by the investigating officer with Cotter. The Panel cannot say this is part of a continuous pattern of behaviour to potentially be considered coercive or controlling behaviour.

85. Overall the Panel has insufficient evidence to determine Person B was in a relationship where she was under coercion and control to a degree that it removes or limits her free will in advancing inconsistent accounts that favour the Officer and the withdrawal of her co-operation with the criminal proceedings.

86. What the Panel has seen is a self-confessed willingness to re-engage with the Officer (see above) to the extent that during the criminal investigation and proceedings Person B went on holiday with the Officer in June 2023 [July MG11 at p.1]. Text and chat messages which appear to show Person B maintaining the freedom of choice in her actions. In one exchange provided to the Panel it looks like Person B is leading the conversation and suggestions about alternative explanations for injuries after the Officer invited comments from her on 14 July 2023:

“[Person B] [referencing a photo of her neck taken by the attending officer] Looool.. tell me what you see??

[Cotter] Brusing [sic] and marks x

[Person B] Really?? I can't see anything so not sure what you see lol x

...

That's just my skin.. I still have that discolouration now lol x

[photo of Person B's neck on 30 April 2023]

[Cotter] I'll just have to tell them that then x

[Person B] That's not a bruise babe x

[photo of a woman's neck while wearing a bikini beside a pool]

[Person B] Can you see it??

[Cotter] Yeah true, I have that photo I think. I'll make sure they have a look at it.. x

[Person B] Good x

Is your watch on your left arm?

[Cotter] Yes why? X

[Person B] ???

...

Because that will explain this.. as my second statement states you swiped across my next [sic] when I was pushing your arm away x

That could have been caused by your watch x

[Cotter] Ok, well it will all help I suppose but I'll make sure that's all mentioned to them x

[Person B] By accident x" [MG11 of APS Cotter dated 20 July 2026 at pp. 3-6]

87. Person B shared a message she had from DC Storey with Cotter on 5 October 2023 where Storey explained he had told CPS that the criminal prosecution should not proceed with the messages "Happy?" and "That's good news" [see exhibit [Redacted].1H at p.3 and the WhatsApp Chat at p.5].
88. In a chat dated 12 October 2023 the Officer does talk about his deteriorated mental health and his threat of suicide if Person B does not give him attention, but attributes his low mood to being "Arrested" [Exhibit [Redacted].2H at p.2 and WhatApp Chat at p.12, and at 12:05:08].
89. By 4 November 2023 the relationship has cooled again:

“[04/11/2023, 14:09:46] [Person B] : Hi, hope you’re good. **I suppose I’ll just come out with it and say that this isn’t a relationship anymore. I’m sure you can agree it’s for the best if we call it quits**

[04/11/2023, 16:02:54] [Cotter]: I do get what you mean and me not having a car doesn’t help. I don’t really no how we are going to work it, I definitely do want to be friends if anything x

...

[04/11/2023, 16:04:09] [Person B] : Nah being friends isn’t an option for me.

I’ll arrange for something to be done about the stuff in the garage and let you know

[04/11/2023, 16:04:57] [Person B] : But that will be all

[04/11/2023, 16:05:27] [Person B] : Thanks for confirming that you agree, lol made it hell of lot easier

...

[05/11/2023, 01:25:56] [Cotter]: Just woke up in a panic thinking I’m losing you, I don’t what [sic] to x

[05/11/2023, 21:26:28] [Cotter]: Nice

[05/11/2023, 21:34:12] [Person B]: I’m not playing this game with you Ryan

[05/11/2023, 21:34:25] [Person B]: This made it clear

[05/11/2023, 22:11:33] [Cotter]: So basically what you are saying is you have moved on and trying to blame it on me x

[05/11/2023, 22:12:24] [Person B]: What? I’m not sure where you got that from

...

[05/11/2023, 22:34:05] [Person B]: Okay once again missing the point lol

[05/11/2023, 22:34:10] [Person B]: Okay

[05/11/2023, 22:34:23] [Person B]: Well as you said.. it’s not going to work

[05/11/2023, 22:34:28] [Person B]: So best leave it be

[05/11/2023, 22:34:47] [Person B]: I’ll arrange for something to happen with the stuff and we will call it a day from there

[05/11/2023, 23:05:28] [Person B]: And you wonder why ignored your message!

[05/11/2023, 23:05:39] [Person B]: So busy that you can’t respond hahaha

[05/11/2023, 23:05:55] [Person B]: What a joke.. just leave me alone I’m done with your bullshit

...

[06/11/2023, 21:34:56] [Person B]: BIG FUCKING MISTAKE RYAN!

[06/11/2023, 21:36:45] [Person B]: I SUGGEST YOU TELL YOUR MUM TO ALLOW ME TO COLLECT WHAT IS MINE (I HAVE RECEIPTS TO PROVE) YOUR NOT GOING TO WITHHOLD WHAT IS MINE. I CAN ONLY DO WEEKENDS DUE TO MY COURSE I DONT CARE WHOS FUCKING HOUSE YOUR AT OR WHO YOUR FUCKING BUT I WONT LET YOU OR YOU MUM TAKE THE PISS OUT OF ME!!

[06/11/2023, 21:40:18] [Person B]: DONT ACT LIKE YOU CANT SEE MY MESSAGE YOU HAVE YOUR WATCH ON 24/7 I WANT AN ANSWER RYAN

[06/11/2023, 21:40:54] [Person B]: YOU HAVE NEVER SEEN ME BE NASTY.. THE WAY IM FEELING RIGHT NOW YOU DONT WANT ME TO TURN NASTY I CAN MAKE THINGS A WHOLE LOT WORST BELIEVE ME

[06/11/2023, 21:41:10] [Person B]: ITS BEST YOU ARRANGE FOR ME TO COLLECT MY THINGS AND BE DONE WITH YOU

[06/11/2023, 21:50:11] [Person B]: Ok, you've left me no choice! (Good luck)

[06/11/2023, 22:10:24] [Cotter]: You blocked this person

[07/11/2023, 15:57:43] [Cotter]: You unblocked this person

[, 15:57:55] [Person B]: I want the rest of my stuff in the garage!

[07/11/2023, 15:58:20] [Person B]: So when you decide to return to your mothers home I want to collect my things" [WhatsApp Chat, emphasis added]

90. Person B says the Officer deployed emotional blackmail:

"[Cotter] [quoting] "Hahaha remember your place in this Ryan.. don't get cocky!"

Yeah I no [sic] you hold all the power now [Person B]

You can ruin my and my kids life's

...

[Person B] Oh correction., I WILL

ANYHOO., ILL LET YOU GET BACK TO HER

[middle finger emoji]

...

[Cotter] I'm sure they will thank you for making them homeless, do what you want to me, get me killed what ever don't make them homeless because I can't afford there [sic] housing

[Person B] [sleeping face emoji]

She's got a new man... she don't need you" [exhibit [Redacted].2H at p.1]

91. The Panel can see from this exchange that might be the case but Person B seems unmoved by this attempt. Also it appears to be at a point in time when the relationship was breaking down again which was after Person B had provided further statements to the investigation. The Panel saw a full thread of this conversation in WhatsApp Chat starting at 15:58:49 to 19:51:30 on 7 November 2023. It described Person B trying to arrange collection of her belongings and then accusing Cotter of seeing another woman.
92. There are exchanges on the 18 November 2023 when Person B informs the Officer she has received the CPS discontinuance letter. She also will “protect myself” from what appears to be any allegation of intimidation from driving past an address of a woman Person B suspects the Officer of being in a new relationship with [WhatsApp Chat at 15:34:25 on 18 November 2023]. After a testy exchange Person B says:

“18/11/2023, 15:36:26] [Person B]: But at least you got what you wanted!

[18/11/2023, 15:36:30] [Person B]: So congratulations

[18/11/2023, 16:06:33] [Cotter]: No I haven’t I have lost you

[18/11/2023, 16:07:04] [Person B]: What you wanted was not to end up in jail..

[18/11/2023, 16:07:10] [Person B]: You got what you wanted..”

93. The exchanges carry-on until 5 March 2024 with the Officer trying to initiate and maintain contact with Person B as well as deal with issues outstanding from their relationship e.g. a car insurance [WhatsApp Chat pp.40-48].
94. During cross examination it was suggested to Person B that she was jealous and vindictively pursuing allegation 2. The Panel would not support this strong assertion. It is apparent Person B had ended the relationship and at the time she made the threats highlighted by the Officer these were tainted with the suspicion the Officer had quickly moved onto a new relationship and there were issues in Person B getting her possessions returned. It is this context that looks to have coloured her threats to the Officer. But until 5 March 2024 the tone becomes increasingly resigned and distant to the Officer. It was Person B who called an end to the relationship on 4 November 2023 and it is the Officer who tries to maintain a relationship with Person B even beyond the discontinuance of criminal proceedings by the CPS.

95. The Panel do see an individual who at the time of the incident through July 2023 and through to her January MG11 actively engaged with the Officer and appears to have freely discussed at the very least alternative accounts, and at most actively lied to a police investigation. Her explanation that her untrue MG11s were the result of her being a girlfriend and victim of a “dramatic” event might be an explanation but is not a justification.
96. The Panel cannot treat Person B as a witness of truth and because of other evidence cannot place any weight on her interpretation and beliefs in this case for allegation 2.
97. It is clear that the Officer quickly re-engaged with Person B after his release on bail. Person B recounts he visited the home but we do not have a clear understanding of what was said by whom at this key time in the investigation. There are concerns about his credibility by these actions, but the AA is not relying on the Officer to prove their case.

The assault

98. The cause and build up to the argument is not contested by the Officer or in issue.
99. Person B first recounted the violence in the second 999 call saying “he just strangled me” [40sec] “he did strangle me” [1.36] and mentions him punching himself. She does not need an ambulance. She has marks and he slammed her into the wall [3.20-3.40] but the Officer had not been violent to her before [5.14] [see Second 999 call at HB 234- 238].
100. In the mobile phone video 4 she mentions “non-fatal strangulation”.
101. To the attending officer Person B recounted:
“His partner however has alleged that during this argument RYAN has placed his hands around her throat, strangling her and pushed her up against the corridor wall with such force it has caused a crack in the plasterboard. This has also caused marks and reddening to her neck leaving visible injuries.” [MG11 of PC Foster dated 1 May 2023, at HB156]
102. In her first MG11 Person B described the instance the violence began as being:

“Ryan came into the living room and tried to shut the door on me, so my instincts from work kicked in and I put my foot in the door to stop this. Ryan flipped at this. He came charging out of the room and with both hands he grabbed around my neck, and slammed my head into the wall at the bottom of the stairs, by the front door. **He was handling around my throat, but not tightening his grip on my throat, more using it to slam my head in a whiplash motion against the wall.** He slammed me into the wall four or five times and then pushed me onto the stairs, and was over the top of me in a menacing manner. The pain caused from this was sharp and my head still feels a little sensitive to things almost 24 hours after. ...” [MG11 of Person B dated 1 May 2023 (First MG11), emphasis added at HB140]

103. The Panel note the trigger for the violence was Person B applying force to a door the Officer was trying close to move away from her and the description of the force on Person B’s throat is not strangulation. This account was taken before the Officer re-engaged with Person B.

104. She withdrew her first MG11 (First MG11) by her MG 11 dated 15 May 2023 (May MG11). She describes the events as:

“... I remember I leaned into the door, and put my weight into it, which may have hit RYAN, and resulted in him thinking it was me being aggressive to him. Then when he came into the hallway, I recall more clearly that he put his hands on my shoulder, and was shouting at me to calm down. I recall losing my footing and falling into the wall, and as we were both agitated this resulted in me slamming into the wall in the struggle, though RYAN was not doing this in an aggressive manner now I think of it, rather trying to talk to me to calm the situation.” [May MG11 at HB 144-145]

This was after the Officer had re-engaged with her on release from custody.

105. Finally, Person B gave an account on 21 January 2025 stating:

“...I never wanted him arrested and at no point did I say that he intentionally strangled me. I do acknowledge that I had red marks around my neck and I had

assumed that he had caused them using his hands, because at the time as i wasn't able to thinking clearly there was no other explanation. Now I have had time to process what happened I now realise that this was not the case...

...

I think he thought I was still following him around the house. He went to close the living room door which leads through to the kitchen. **I have put my foot out to stop him being able to close the door. He then continued to try and close the door. I shoulder barged the door open. I don't think he was expecting it to have that much strength behind it and it flew back and I think struck him in the face.** The door then rebounded back towards me which has caused me to step backwards and I have fallen over the trainers which were in the hallway and fell on to the wall. **He came out to me and held me by my shoulders. He was saying listen to me, calm down.** In that moment I thought it was him that needed to calm down and that he was being irrational. Having reflected on this more I think I was as much to blame.

As I was trying to move off the wall to get away from him he was trying to keep me there in order to talk. I didn't want to speak with him in that moment, which resulted in a lot of back and forth, which lasted for a matter of seconds, so I tried to remove his arm by swiping my arm to push his arm away. It was as a result of this movement that his forearm moved in order to reposition his hand on my shoulder but it was now positioned against my upper chest/collarbone. I think at this point his arm rubbed the lower part of my neck causing the red marks on my neck. There was no bruising or long lasting marks and no substantial injury which would corroborate my point of no intentional strangulation. At this point he let go of me and pushed me down to sit on the stairs. He sat me down in a seated position, which again only lasted for a couple of seconds. His grip, which on top of my shoulders pushing down, was quite light and with any real effort I would have easily been able to move. On a scale of 1 to 10 with 10 being the strongest strength, I would estimate his effort was about 2. I was really hysterical at this point. It was at this point he let go and i went upstairs. I hadn't expected to see any injuries, but when I looked in the mirror I discovered the marks around the bottom part of my neck. Due to my state of mind and being hysterical I was shouting repeatedly you've fucked it now! In that moment I honestly believed that his hands had been around my

neck. I think this was because I was trying to make sense of the marks and I was hysterical and wasn't thinking clearly. I couldn't think of any other logical reason for the marks. He kept trying to say listen to me, I was saying I can't hide this, the police are coming, and you've fucked it now. He started to slap himself in the face..." [January MG11 at HB184, 185 and 186, emphasis added]

This statement was made after Person B had finished the relationship in November 2024 and the statement was made nearly 1 year after the relationship had significantly cooled with the last known contact between Person B and the Officer in March 2024.

106. The only account from the Officer was during his caution interview on 1 May 2023:

"[Cotter] Yesterday was all a bit of commotion at the bottom and I pushed, I pushed her here. I haven't strangled her. I haven't put hands on her neck, anything. And then I've literally caught hold of her shoulder, by her shoulders sat her on the step trying to talk a bit common, well, sense into both of us. [00:07:46, at HB191]

...

She's like well the police are on their way. And I said well what for and she just walked off. And that's when I've gone after her and I said what are we doing and as I put my hand on her she's like flinging her arms turning round, I mean I have been caught but not to the point where I wanna make it known to anyone. So I've just, like I said, pushed her back and then grabbed hold of her shoulders sat her on the stairs and just shouting at her what are we doing. [00:19:40 at HB 198]

...

[DC Storey] You've put your hand on her shoulder

Cotter To turn her round yeah to speak to her

DC Storey She's gone to like brush you off, in doing so hit you in the face

Cotter Huh hmm

DC Storey And then you've put your hands on her and sat her on the stairs

Cotter No, I've pushed her back cos she's hit me, I didn't know if it was intentional or not, I don't see it as intentional

DC Storey Ok

Cotter As I've pushed her and then I've caught hold of her shoulders and sat her on the stairs and just shouted at her what are we doing, what you doing, to a

certain effect

DC Storey When you pushed her, whereabouts have you pushed her?

Cotter Probably here

DC Storey So on her shoulder?

Cotter Yeah, so I've just done, yeah, probably about here

DC Storey Ok

Cotter Kind of shoulder, lower neck, yeah, with my right hand

DC Storey Kind of clavicle / collarbone / shoulder area?

Cotter Yeah, probably about there, yeah

DC Storey Ok. And have you pushed her into anything?

Cotter No. She did step back, I don't know if she has gone into the wall and if she has, that wasn't my intention

DC Storey Ok

Cotter And then I've literally as I've said sat her, I think it was on the third step

DC Storey Ok. And where in the house are you when you've pushed her?

Cotter Err, in the hallway by the front door

DC Storey So immediately as you walk in?

Cotter Yeah

DC Storey Ok. Anything on that? Why did you sit her on a step?

Cotter To try and talk to her just to you know, I don't really know why I sat her in the step but it was more kind of just sit there and just talk. Do you know when you're trying to get through to somebody and basically saying what, what are we doing. It wasn't like to belittle her or anything like that, it was just the stairs are there sit down and let's have a, err, conversation about it

DS Litchfield Why did you feel that you needed to hold on to her while she was on the step?

Cotter I didn't really feel the need to do that, I just, you know when you're just like holding on to somebody you're trying to get through to somebody. Not like in an aggressive manner kind of way it was more what are we doing, not like trying to hurt her or be physically violent towards her or anything like that, cos I never would be

DS Litchfield Was it to prevent her movement?

Cotter Not so much prevent her movement, it was just more, I just want to sit and talk to you.[00:21:03- 00:21:22, at HB 199-200].” [ROTI dated 1 May 2023]

107. The Officer in interview admitted using force on Person B but within a context that would be a reasonable use of force.
108. The Panel were shown pictures of Person B taken on the day by responding police officers as well as a picture of the hallway light switch.
109. No further evidence was admitted by the AA to explain why the mark in the hallway might correlate to a person being “slammed” multiple times into the wall. The Panel would expect to see more and clearer damage to the wall based on the degree of force used in the account the AA seek to rely on.
110. Equally, identifying reddening on the photographs of Person B as taken by PC Foster [CAF-01 and CAF-02] when compared to the photograph of Person B in the WhatsApp chat on 14 July 2023 with the Officer [MG11 of APS Cotter dated 20 July 2026] has not proved possible for the Panel. No expert evidence was provided to help the Panel appropriately identify any bruising. The Panel would expect some clearer sign of strangulation as argued by the AA.
111. The Panel were surprised that no photographic record was taken of Person B’s head. She had just been violently slammed into a wall “in a whiplash motion”, causing damage to the wall and Person B described sharp pain lasting 24 hours the Panel would have expected some degree of visible injury. [First MG11 at HB 140]
112. The Panel were conscious that the Officer’s ability to challenge the account of Person B was significantly impeded by her refusal to answer questions part way through her evidence. To rely on uncorroborated evidence from Person B that remained unchallenged would be unfair to the Officer.

Conclusion

113. The purpose of the Panel is to determine if the facts as the Reg. 30 has set them out are proven to the civil standard of proof. The Panel remind themselves that it is not a binary choice between choosing one account over another as the burden of proof remains on the AA.

114. The credibility of Person B is compromised to a degree the Panel cannot confidently place independent weight on her evidence; and it is her evidence that the AA relies on in a situation where it is her word against the Officer's. Additionally, it would be unfair to rely on an account and the interpretation of the account that remained unchallenged by the Officer due to Person B's refusal to answer questions.
115. Any independent evidence is limited or non-existent and does not support the level of force and injury alleged by the AA.
116. The Panel determine that the AA have not proven allegation 2 to the civil standard of proof.
117. The Panel determine that both allegations 1 and 2 are unproven.

Chair
Cmdr Andrew Brittain
July 2026