IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020, AS AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

CONCERNING

FORMER POLICE CONSTABLE DAVINDER GREWAL

OUTCOME REPORT

Introduction

1. The misconduct hearing for Former Police Constable Grewal ('the former officer') was held in public on 16 September 2026 and a Notice was published to that effect in accordance with the amended Police (Conduct) Regulations 2020 ('the amended 2020 Regulations').

2. The Regulation 30 Notice was issued pursuant to the 2020 Regulations. It was alleged that by his conduct contained in three separate allegations, the former officer behaved in a manner which breached the Standards of Professional Behaviour (SPB) in respect of 'Authority, Respect and Courtesy', 'Discreditable Conduct', and 'Honesty and Integrity' and that his conduct amounted to Gross Misconduct.

3. In summary, it was alleged that:

   i) <u>Allegation 1</u>:
   On 23 June 2023, during a routine attendance for a report of drunk and disorderly behaviour, [the former officer] spat at a member of the public, Mr Toppin, after he had been detained by police. The spitting was intentional and occurred in plain public view in broad daylight in a residential street in North West London. The spittle landed on or near Mr Toppin's face and neck.

ii) **Allegation 2:**

On 1 May 2023, [the former officer] took out a home contents insurance policy with Swinton Home Insurance (owned by Aviva), providing insurance for up to £150,000 worth of items.

On 5 May 2023, [the former officer] reported a burglary to Hertfordshire Police. This burglary had allegedly occurred at the property for which he had taken out the insurance policy. [The former officer] estimated the value of the items stolen at £97,293.

On 11 May 2023, [the former officer] made an insurance claim to Aviva. He provided a value of items stolen at £92,293.

On 25 May 2023, [the former officer] sent the Aviva investigator an itemised list of the allegedly stolen items. This list included multiple 24k gold bars with a total value of £44,000. These gold bars had not been declared to Aviva when taking out the policy, and no evidence was provided of ownership or existence of said gold bars. [The former officer] submitted a revised total value of items said to have been stolen calculated to be £111,243.

Aviva investigated the claim and ultimately rejected it, due to an absence of evidence of ownership or documentation for the items stolen. Aviva sent [the former officer] a closure letter on 4 July 2023 detailing the reasons for rejection of the claim. Hertfordshire Police notified the Metropolitan Police of Aviva's claim rejection report, suspecting the insurance claim had been fraudulent due to the short lapse of time between the burglary and the policy being taken out, and [the former officer's] failure to provide sufficient receipts/documentation surrounding the stolen items.
Having reported the matter to Hertfordshire Police, [the former officer] failed to proactively support the police investigation or

facilitate the attendance of SOCO [Scenes of Crime Officer] to forensically examine the scene.

In the circumstances [the former officer's] conduct in reporting the alleged crime, making the insurance claim and then failing to support the police investigation and the insurance investigation was dishonest and lacked integrity.

iii) **<u>Allegation 3:</u>**

Between 29 May 2023 and 1 June 2023, [the former officer] communicated with his line manager PS Dean Matthews, and his Inspector Clee, regarding leave said to be required for purposes of accompanying his mother to India [REDACTED].

After having been granted leave for the purposes of this specific trip,[the former officer] went away, thereby leaving his team under-manned, and causing his colleagues additional work to make up for his absence.

It was subsequently discovered that [the former officer] had in fact flown to Lanzarote for a week with his partner and child early on 2 June 2023, the tickets having been purchased in the early evening of 1 June 2023. [The former officer] did not notify his superiors of the change in his plans and travelled for leisure reasons when he knew well that the leave had been granted solely for the stated purpose of the [REDACTED].

<u>The former officer's response</u>

<u>Regulation 17 response</u>

4. In his response to caution dated 27 February 2024 to the Regulation 17 notice concerning allegation 1, the former officer denied intentionally spitting at Mr Toppin, describing the act as a "spontaneous reaction" and "without malice". He also stated that *"the incident has been taken out of its context. The two*

reporting officers PC Harris and PC Bolan are known to one another and are a [REDACTED]. During this incident, neither of the officers recorded it on their body worn cameras. Their statements are inaccurate and misleading." **[81]**

5. In relation to allegation 2, the former officer gave a prepared statement on 17 October 2023 when he was interviewed under caution, stating that:

   "….A few days after the burglary, I informed my insurance company Aviva, I provided them with an estimate of the goods. The estimate was taken from the figure obtained by the officer who attended my home address on the 6th of May. I did attempt to preserve the scene forensically, I followed the instructions of the attending police officer, this will be recorded on his body worn camera. The insurance claim is genuine [he] provided Aviva with an estimate and would provide the exact figure once receipts were obtained, [he] had no intention to defraud, mislead of deceive." [**263].**

6. With regards to allegation 3, in his response to caution dated 21 May 2024 to the Regulation 17 notice, the former officer stated that he understood his leave request from 2 June 2023 to 12 June 2023 was refused by PS Matthews and arrangements were therefore made for his sister to accompany his mother to India [REDACTED]. When he was notified that his leave request was approved it was too late to change plans, and his partner booked him a flight to Lanzarote due to concerns about [REDACTED]. **[319]**.

<u>Regulation 31 response</u>

7. The former officer confirmed his accounts in his formal Regulation 31 response dated 28 November 2025.

8. In respect of allegation 1, the former officer admitted that what he spat out of his mouth landed on the shirt [of] Mr Toppin but this was done as a direct reaction to feeling spit in his mouth and had not been done with any intent, maliciousness or recklessness.

9. With regards to allegation 2, the former officer admitted that he made an insurance claim and submitted two different amounts due to getting correct values for property that was taken during the incident. He accepted that he did not inform Aviva about the gold bars [he] was not aware of the protocols of notifying the insurance about specific items of value. He denied failing to provide support for the ongoing police investigation and stated that he only cleared up areas that he had been advised [to] and areas that would not be of any forensic use.

10. In respect of allegation 3, the former officer stated that on 1 June 2023, the officer was notified that the annual leave had now been approved, however at this time other plans had been put in place to ensure the officer's mother was not alone. As he had been deeply distressed about not being able to assist his mother, his partner suggested that he should use his leave and take some time away and travel to Lanzarote with her.

<u>Burden and Standard of Proof</u>

11. The Panel reminded itself that the burden is on the AA to prove on the balance of probabilities that the former officer behaved in the manner alleged and in doing so he breached the SPBs set out above. Further, the AA must satisfy the Panel to the same standard that the manner of the breach is of such a nature or degree that it amounts to Misconduct or Gross Misconduct.

12. The Panel also reminded itself of the Home Office Guidance (Conduct, Efficiency and Effectiveness) in respect of the balance of probabilities: *"Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the officer do not require a different standard of proof, merely appropriate careful consideration by the panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to*

be taken into account when deciding whether, on the balance of probabilities, the conduct occurred". [Paragraph 9.10]

13. The Panel reminded itself that it does not need to make a finding on every issue and need only make findings on those issues which it believes to be relevant and material to the allegations.

14. The Panel approached its task in the following stages:

    i) Are any of the facts admitted?
    ii) What facts have been proved by the AA on the balance of probabilities?
    iii) Of the admitted or proved facts, has the AA satisfied the Panel on the balance of probabilities that the relevant SPBs have been breached?
    iv) If so, has the AA satisfied the Panel on the balance of probabilities that it is Gross Misconduct, namely the breach is so serious as to justify dismissal?

Pre-Hearing

15. On 20 January 2026, the Chair convened a pre-hearing (on Microsoft Teams) and issued a number of case management directions including specified timescales for the service of outstanding material.

16. The Chair also rejected the then officer's application to sever the three allegations into separate proceedings given that no unfair material prejudice would be caused to him on the basis that the Panel could properly consider each allegation separately and deliver distinct findings on each allegation.

The Proceedings

17. At the misconduct hearing, the AA was represented by Ms Stephanie Hayward of Counsel. The former officer did not attend and was not legally represented nor assisted by the Police Federation. Ms Chiew Yin Jones, Legally Qualified Advisor, provided legal advice to the Panel.

18. The Panel was provided with the hearing bundle, the Opening Note, the Regulation 31 response, audio recording of the former officer's call to the insurers, and various items of Body Worn Video (BWV) footage.

19. None of the BWV footage depicted the alleged spitting although the Panel noted the BWV footage **[item 11 – PC Boland's BWV footage at 15:56 on 23 June 2023]** where Mr Toppin was seen to spray saliva due to his missing front two top teeth when he was interacting with attending police officers (including the former officer) a short while beforehand.

Proceeding in absence

20. The former officer resigned from the Metropolitan Police Service in July 2026, and did not attend the hearing. He was not legally represented nor assisted by the Police Federation.

21. Further to the AA's application, the Panel determined that it would be in the interests of justice to proceed in the former officer's absence as he was aware of the hearing date, and had voluntarily chosen not to attend.

Witnesses

22. The Chair had previously directed the attendance of a number of witnesses. However, the Panel did not consider that it was necessary for the witnesses to give oral evidence as neither the former officer nor his representatives were present at the hearing to cross examine the witnesses.

23. The Panel therefore did not receive oral evidence from any of the witnesses and considered the case on the papers. No objections to this course of action was raised by the AA.

Character evidence

24. In his Regulation 31 response, the former officer indicated that he would be supplying the Panel with evidence of good character. Nonetheless, the Panel noted that no character evidence had been provided by the former officer.

Factual allegations

25. The Panel went on to consider the various allegations in turn.

Allegation 1

26. It was the AA's case that former PC Grewal ("the former officer") intentionally spat at Mr Toppin after he had been detained by police, with spittle landing on or near Mr Toppin's face and neck.

27. The former officer did not dispute that he spat at Mr Toppin. However, he denied intentionally spitting, and described his action as a "spontaneous reaction" as a direct reaction to feeling spit in his mouth and had not been done with any intent, maliciousness or recklessness. He also said that the statements of the police officers present is inaccurate and misleading.
28. In determining this matter, the Panel considered all the material placed before them including:

i) PC Boland's account **[73]:** that after some of Mr Toppin's spit landed on the former officer, [the former officer] initially turned away from the suspect, but then turned his face back towards Mr Toppin and spat directly in Mr Toppin's face, with his spit landing on his neck and on what PC Boland believed to be the right side of Mr Toppin's face. PC Boland said his initial reaction to this was to tell the former officer *"don't do that"* after a couple of seconds, once he had time to realise exactly what he saw.

ii) PC Cuss' account **[76]:** that the former officer naturally flinched back after Mr Toppin's spit landed on him and faced towards the ground for a moment, and when he looked back up he verbally challenged [Mr Toppin] with words to the effect of *"Why did you do that"* and spat back at [Mr Toppin] with the spit landing on his chest on his tee-shirt.

iii) PC Harris' account **[79]:** that when Mr Toppin shouted, a spray of spit left his mouth, which went towards the direction of the former officer's face. PC Grewal leant his head back immediately and spat right in the face and neck area of Mr Toppin.

Assessment

29. The Panel was persuaded by the accounts of PC Boland, PC Cuss and PC Harris, and found their respective descriptions about the actions of the former officer to be credible and consistent.

30. For instance, the Panel considered PC Cuss' account [that the former officer verbally challenged Mr Toppin before he spat at Mr Toppin] to be consistent with the actions of an individual who had acted intentionally.

31. Furthermore, the Panel found no basis for the former officer's assertion that the statements of PC Harris and PC Boland were inaccurate and misleading, and rejected the former officer's account in this regard.

32. Having considered all the material in this case, the Panel found that it was more likely than not that the former officer intentionally spat at Mr Toppin and found allegation 1 proven on the balance of probabilities.

Standards of Professional Behaviour

33. The Panel then went on to consider whether the former officer's proven actions breached the alleged SPB.

34. The Panel had regard to Schedule 2 of the amended 2020 Regulations which sets out the Standards of Professional Behaviour. The alleged SPB are:

i) Authority, Respect, and Courtesy: *“Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy”.*

ii) Discreditable Conduct: *“Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty”.*

35. The Panel was satisfied that the former officer breached the alleged Standards of Professional Behaviour in respect of Authority, Respect, and Courtesy, and Discreditable Conduct.

36. By his actions, the former officer clearly failed to treat Mr Toppin with respect and courtesy, and his proven actions would undoubtedly have an adverse impact on public confidence in policing as police officers are expected to uphold the highest standards throughout their dealings with members of the public.

Misconduct or Gross Misconduct

37. Given its findings that the former officer had intentionally spat at Mr Toppin, the Panel concluded that the former officer’s conduct amounted to **Gross Misconduct** in that it was so serious as to justify dismissal.

38. The Panel had found that the former officer intentionally spat at Mr Toppin who was vulnerable through drink, and had been detained at the relevant time with no ability to defend himself. Furthermore, the incident occurred in broad daylight in the presence of other members of the public.

39. The Panel took into account that when Mr Toppin spoke or shouted, he sprayed spit out of his mouth due to his missing front two top teeth. Nonetheless, the Panel noted that other police officers present had conducted themselves appropriately in response.

Allegation 2

40. It was the AA's case that the former officer made a false insurance claim, and had failed to proactively support the police investigation arising from his burglary report.

41. The former officer denied that he had been disingenuous in making his claim, and disagreed that he failed to provide ongoing support for the investigation.

42. In determining this matter, the Panel considered all the material placed before them including the following:

    i) <u>PC Vernon's account</u> **[110]**: that he had generated a crime report for the offence of burglary at the former officer's property.

    ii) <u>DS Prendergast's account</u> **[141]**: that the former officer initially asked officers to attend without him, and left a key under the mat. DS Prendergast thought it odd that having been a victim of a burglary and having lost such a significant amount of property that the former officer would not have called in to work and explained the situation in which case the former officer would have almost certainly been given the day to resolve the issues and deal with the police. DS Prendergast also found it strange that given the former officer's occupation he had not been more forensically aware to leave [the investigators] some opportunity to obtain DNA evidence at the scene. He concluded that there seemed to be a number of factors which made this a crime report outside of the ordinary, and worthy of the attention of DPS as it involved a serving officer.

    iii) <u>Exhibit CJM/2</u> **[193]**: Transcript of the record of the former officer's call to Household claims Insurance dated 11 May 2023 at 13:01.

    iv) <u>Closure letter from Allied Universal dated 4 July 2023</u> **[189]**: stating *"…we must confirm that your claim has been declined in its entirety due to lack of evidence. We understand that you have suffered a loss, and this must be very upsetting for you, however we have received no evidence to support your account that your property had been broken into. Aviva can only consider items that can be evidenced and it is evident from speaking to you,*

you sadly lack any evidence to support ownership of the items. The onus is on you to evidence your loss and being aware of the value of items you held within your home it's a concern to us that you did not get items valued and stored safely within your home…"

v) Aviva Insurance Investigator Carl Musgrove's account dated 11 October 2023 **[163 - 164]**: The additional economic impact on AVIVA to investigate Claim Reference [REDACTED] was £650.00.

43. In considering this allegation, the Panel took into account that:

i) The insurance policy was incepted only five days before the burglary occurred;
ii) The timing of the claim coincided with [REDACTED] affecting the former officer's uncle which was said to cost £90,000 **[Statement of PS Matthews at 134]**.
iii) On 11 May 2023, the former officer made an insurance claim to the value of £92,293 and submitted a revised value of £111,243 on 25 May 2023. A pearl necklace, originally valued at £1550 was now valued at £15,500;
iv) Six gold bars were included in the list of items stolen but these had not been included under the original insurance policy;
v) The former officer's insurance claim was declined in its entirety due to lack of evidence; and
vi) DS Prendergast (an experienced investigator) reported this matter to DPS as a number of factors made this a crime report outside of the ordinary.

44. Given the incontrovertible nature of the audio recordings and documentary evidence, the Panel apportioned significant weight to the evidence and factors set out above.

45. Having considered all the material in the case, the Panel found that it was more likely than not that the former officer made a false insurance claim, that he had

failed to make himself available to investigators, and that he had not proactively supported the police investigation.

46. Accordingly, the Panel found allegation 2 proven on the balance of probabilities.

Standards of Professional Behaviour

47. The Panel then went on to consider whether the former officer's proven actions breached the alleged SPB namely 'Honesty and Integrity' and 'Discreditable Conduct'.

48. The Panel had regard to Schedule 2 of the amended 2020 Regulations which sets out the Standards of Professional Behaviour. The alleged SPB are:

    i) Honesty and Integrity: *"Police officers are honest, act with integrity, and do not compromise or abuse their position".*

    ii) Discreditable Conduct: *"Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty".*

49. By his actions, the Panel was satisfied that the former officer breached the SPB of Honesty and Integrity in that his conduct was dishonest by reference to the standard of ordinary decent people test, as set out in *Ivey v Genting Casinos* [2017] UKSC 67.

50. Furthermore, the former officer's proven actions would undoubtedly have an adverse impact on public confidence in policing as police officers are expected to uphold the highest standards whether on or off duty.

Misconduct or Gross Misconduct

51. The Panel noted that within the first few minutes of his conversation with Aviva Insurance **[194],** the former officer informed them that he was a serving police

officer. He said at [194], *"It's just been hard … obviously I work with the police and the thing is my house has been burgled."* The Panel considered that the former officer used his status as a police officer to attempt to exert some influence.

52. Furthermore, as evident from DS Prendergast' account, the former officer had given cause to Hertfordshire Police to investigate the offence of burglary whilst not proactively supporting the investigation.

53. Given its finding that the former officer had acted dishonestly, the Panel concluded that the former officer's conduct amounted to **Gross Misconduct** in that it was so serious as to justify dismissal.

Allegation 3

54. It was the AA's case that the former officer made an application for annual leave based on a false premise – namely to support his mother though [REDACTED].

55. The former officer accepted that he went away on the dates of his approved leave. He claimed that he understood his leave request had been refused and by the time his leave request had been approved, he had put in other plans to ensure his mother was not alone.

56. In assessing this allegation, the Panel considered all the material placed before them including the following:

    i) PS Matthew's account **[133]:** that he received an annual leave request from the former officer on 29 May 2023 for a period of three weeks from 1 June 2023 to support his mother through [REDACTED] in India. He informed the former officer that he would speak to Inspector Clee and suggested the option of the former officer taking unpaid leave.
    The former officer said he could not afford unpaid leave and confirmed on 1 June 2023 that his leave request was now for 2-15 June 2023.

ii) Inspector Clee's account **[300]**: that he was informed by the former officer that he had already booked the flights to New Delhi and needed the annual leave from 2 to 15 June 2023. The former officer also said his sister would be flying to New Delhi on 16 June 2023, to take over from him caring for his mother and uncle.

iii) PC Emma Smith's account **[313]:** that she had seen the former officer on the outbound flight to Lanzarote, flight EZY230 on 2 June 2023, and again at Lanzarote airport on 9 June 2023.

iv) Easy Jet bookings **[315]**: shows that the flight bookings to Lanzarote were confirmed at 17:23 on 1 June 2023.

57. Having considered all the factors set out above, the Panel concluded that it was more likely than not that the former officer made an application for annual leave based on a false premise.

58. The Panel rejected the former officer's assertion that by the time his leave request had been approved, he had put in place other plans to ensure his mother was not alone. It was clear from the timing of the Easy Jet Booking [1 June 2023 at 17:23] that the flight bookings were confirmed one hour after PS Matthews wished the former officer's family well [1 June 2023 at 16:08].

59. The Panel was also satisfied the former officer did not inform PS Matthews or Inspector Clee about the change in his travel plans, and that he had flown to Lanzarote instead between 2 – 9 June 2023. But for PC Smith's evidence, the former officer's change of plans would not have been apparent.

60. Accordingly, the Panel found allegation 3 proven on the balance of probabilities.

Standards of Professional Behaviour

61. Having found the allegations proven, the Panel went on to consider whether the former officer breached the SPB in respect of 'Honesty and Integrity'.

62. Again, the Panel had regard to Schedule 2 of the amended 2020 Regulations which sets out the Standards of Professional Behaviour. The alleged SPB is:

iii) Honesty and Integrity: *"Police officers are honest, act with integrity, and do not compromise or abuse their position".*

63. By his actions, the Panel was satisfied that the former officer breached the SPB of Honesty and Integrity in that his conduct was dishonest by reference to the standard of ordinary decent people test, as set out in *Ivey v Genting Casinos* [2017] UKSC 67. The former officer was well aware that annual leave had been granted on the basis that he needed to travel to India to support his mother in India through [REDCATED], but he used this leave for a different purpose entirely.

<u>Misconduct or Gross Misconduct</u>

64. Given its findings, the Panel concluded that the former officer's conduct amounted to **Gross Misconduct** in that it was so serious as to justify dismissal.

65. In arriving at this conclusion, the Panel took into account that the former officer lied, or at the very least attempted to mislead his Sergeant and Inspector.

66. Furthermore, on his return to the UK, the former officer had not attempted to inform his supervisors of his change in circumstances and travel plans. It was only through the disclosure of a colleague present on the outbound and in-bound flights to Lanzarote that the change in the former officer's circumstances came to light. In addition, the former officer's conduct meant that his team was under minimum strength, and that according to Inspector Clee this meant *"that his team members would have to work that much harder"* while he was away on holiday **[300].**

Outcomes

67. The Panel went on to determine the appropriate outcome for the former officer.

68. In determining the appropriate outcome, the Panel applied the principles set out in *R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2018] 11 WL UK 822 and *R (on the application of Chief Constable West Midlands Police) v Panel Chair*, *Police Misconduct Panel v officer "A" – Interested Party* [2020] EWHC 1400 (Admin) which emphasise the importance of following the structured approach as set out in the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings (2023).

69. In summary, the Panel:

(i) Assessed the seriousness of the conduct and behaviour of the former officer

(ii) Reminded itself of the purpose of imposing sanctions, namely:

- Maintaining public confidence in and the reputation of the police service;
- Upholding high standards in policing and deterring misconduct; and
- Protecting the public.

(iii) Arrived at the outcome which most appropriately fulfilled the purpose of imposing sanctions in the light of the seriousness of the former officer's conduct.

Seriousness of the Conduct and Behaviour

70. In assessing the seriousness of the former officer's behaviour in respect of the findings, the Panel considered the following factors in line with the guidance in the CoP Guidance on outcomes:

- The culpability borne by the former officer for his actions.
- The harm caused by the former officer for his actions.
- The existence of any aggravating factors.
- The existence of any mitigating factors.

Culpability

71. The Panel first assessed the former officer's culpability arising from his actions found proven.

72. The Panel drew assistance from the following sections of the College of Policing Guidance (2023):

i) Paragraph 4.26*: "Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously.."*

ii) Paragraph 4.32: "*…some off-duty dishonesty may be very serious, particularly where it carries implication for the officer's ability to carry out their professional duties or has the potential to bring the police service into disrepute. A dishonest statement made by a police officer in the public sphere, or in an official or otherwise solemn document – such as an application for a mortgage or loan, or a tax declaration – will be at the more serious end of the spectrum of off-duty dishonesty."*

iii) Paragraph 4.53: *"Decide whether a person could be considered vulnerable in a given situation and whether the officer recognised or should have recognised this, taking account of all the circumstances"*

73. The Panel had already found that the former officer: intentionally spat at Mr Toppin; made a false insurance claim/failed to make himself available nor

proactively support the police investigation; and made an application for annual leave based on a false premise.

74. On that basis, the Panel concluded the former officer's culpability in this case was **<u>high</u>** given his unjustified use of force against Mr Toppin, coupled with his proven conduct which comes within the ambit of the categories considered especially serious [off-duty dishonesty]

<u>Harm</u>

75. The Panel went on to consider the harm caused by the former officer to Mr Toppin, Aviva Insurance, Hertfordshire Constabulary and to members of his team.

76. In considering this issue, the Panel considered paragraph 4.69 of the CoP Guidance which states that *"how such behaviour would be or has been perceived by the public will be relevant whether or not the behaviour was known about at the time."* The Panel also noted on the same page that *"Where Gross Misconduct has been found and the behaviour has caused or could have caused serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow."*

77. The Panel took into account that:

    i) Aviva Insurance had asserted financial loss of £650.00 as a result of investigating the former officer's claim **[164].**
    ii) PC Vernon and PS Prendergast expended time in investigating the offence of burglary at the former officer's property following the former officer's report.
    iii) The former officer's team was below minimum strength after the former officer was granted annual leave which had an adverse impact on the members of his team.

78. The Panel was satisfied that the former officer's proven misconduct was likely to cause reputational harm to the police service and undermine public confidence in policing amongst the wider community.

79. Given all the factors outlined above, the Panel found that the former officer had caused **high harm**.

Aggravating factors

80. The Panel then went on to consider the list of potential aggravating factors set out in the CoP Guidance which increased the seriousness of the misconduct in this case. The Panel found several aggravating factors present:

 i) Abuse of trust: As a police officer, the former officer intentionally spat at Mr Toppin, who had been detained at the relevant time with no ability to defend himself, and was vulnerable through drink.
 ii) Pre-meditation and planning: the former officer had planned in advance to make a false insurance claim and in making an application for annual leave based on a false premise.
 iii) Concealing wrongdoing and attempting to blame others: the former officer stated that he had issues with local travellers a few days before the burglary.
 iv) Continuing his behaviour after the former officer realised, or should have realised, that it was improper: the investigation by Aviva Insurance spanned two months.
 v) Multiple proven allegations and breaches of the Standards of Professional Behaviour.

Mitigating factors

81. The Panel did not find any mitigating factors which reduced the seriousness of the misconduct in this case.

Character references

82. The Panel noted that no character evidence had been put forward by the former officer.

Personal mitigation

83. Having assessed the seriousness of the Gross Misconduct found proven, the Panel then went on to consider the former officer's personal mitigation.

84. The Panel took into account that the former officer indicated to the insurers **[CJM/ 8 at 244]** that he was going through a stressful period, with his home life, work issues, and a number of [REDACTED] with his family.

85. Nonetheless, given the purpose of police misconduct meetings, the Panel kept in mind the fact that personal mitigation will carry limited weight and less than it might do in a different context [as explained by Holroyde J as he then was in *The Queen (on the application of Williams) v Police Appeals Tribunal* [2016] EWHC 2708 (QB)].

86. The Panel did take account that the former officer did not have any previous disciplinary matters recorded against him.

Outcome

87. The Panel then went on to consider the outcome which would most appropriately fulfil the purposes of imposing sanctions in the light of the seriousness of the former officer's conduct.
88. The Panel drew assistance from the Home Office Guidance which provides that where there is a finding of gross misconduct and disciplinary action is imposed, it can only be one of dismissal as there is no option to enforce other sanctions given the termination in the former officer's employment status and employment record.

89. In other words, as the former officer has resigned from the Metropolitan Police Service, there were only two potential outcomes, namely disciplinary action or no disciplinary action. The Panel reminded itself that:

(i) Were the Panel to decide that the conduct did not justify the sanction of dismissal, no disciplinary action would be taken; and

(ii) Disciplinary action could only be the outcome if the former officer would have been dismissed if he had not ceased to be a member of the police service.

90. Having assessed the seriousness of the former officer's conduct, the Panel determined that the former officer **would have been dismissed if he had not ceased to be a member of the police service**.

91. The Panel did not consider that no disciplinary action would have been sufficient to uphold public confidence in and respect for the police service and would be insufficient to reflect the importance of upholding high standards in policing and deterring misconduct.

92. Accordingly, **disciplinary action** is imposed for the former officer's actions.

<u>Police Barred List</u>

93. The Chair has considered the relevant provision under the Police Barred List and Advisory List Regulations 2017 ("the 2017 Regulations") and is satisfied that a report containing details of this case (in accordance with Regulation 3 of the 2017 Regulations) should be sent to the College of Policing within 5 working days. This is because there is no reason to depart from the general principle.

<u>Right of Appeal</u>

94. The former officer should be notified that they have a right of appeal to the Police Appeals Tribunal. The AA will provide a notice as to the procedure to be followed in that regard.

Publication of Outcome Report

95. The Chair directed publication of the outcome decision, subject to the harm test pursuant to Regulation 43(6) of the 2020 Regulations.

Commander Adam Slonecki – Chair
Ms Lorna Beckford – Independent Panel Member
Ms Sophie Kane – Independent Panel Member
[Date]