

B E T W E E N:
THE COMMISSIONER OF POLICE OF THE METROPOLIS
Appropriate Authority

And

PC P243215 Benjamin Fisher

The Subject Officer

NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING
(REGULATION 43(1) POLICE (CONDUCT) REGULATIONS 2020) as amended.

Officer concerned: **PC P243215 Benjamin Fisher** (“the Officer”).

Appropriate Authority: The Commissioner of Police of the Metropolis (“AA”).

Date of hearing: 17th - 18th August 2026.

Panel members: Ms Jessica Harrabin (Chair), and Ms Placida Ojinnaka and Ms Joy Tweed IPMs) - (“the Panel”).

Legally Qualified Advisor (LQA): Ms Judith Seaborne.

The AA was legally represented by Dr Russell Wilcox.

The officer was legally represented by Ms Miranda Lickert and supported by the Federation Representative PC Chris Brinsley.

Relevant regulations: The Police (Conduct) Regulations 2020 (“2020 Regulations”) as amended.

This matter came to the attention of the AA on 14th January 2025

Summary of Hearing

1. The misconduct alleged was set out in full in the Regulation 30 notice. In general terms, it related to an alleged incident within Hammersmith Custody Suite, Central West Area, on the 9 or 10 December 2024, when Person A in her role as custody sergeant gave PC Ben Fisher an instruction to carry out a task and that he responded to her by saying "Okay" in a "thick cultured Indian accent followed by a head wobble."
2. The Panel found the allegations not proven on the balance of probabilities, and consequently found no breaches of the Standards of Professional Behaviour.

Representation

3. Throughout the misconduct proceedings and hearing, the AA was represented by Dr Russell Wilcox (Counsel). Throughout the misconduct proceedings and hearing, the Officer was legally represented by Ms Miranda Lickert (Counsel) and supported by the Federation Representative PC Chris Brinsley.

4. Preliminary Matters.

This hearing was conducted pursuant to the Police (Conduct) Regulations 2020 as amended in Public.

5. Application for Person A to give evidence by video link, for her name to be anonymised by cypher and for her to be screened from the subject Officer when giving evidence.
 - i. On 17th August 2026, an application was made by the AA for Person A to give evidence by video link. Counsel for the subject Officer opposed the application, citing [REDACTED].
 - ii. The Chair was mindful that the proceedings must be conducted fairly in accordance with the principles of natural justice and her duty to ensure the proceedings advanced as expeditiously as possible. The Chair therefore granted the application having heard submissions from both parties.

- iii. The Chair was mindful that Person A's application for anonymity had originally been made as far back as 17th April 2026, and had been of the understanding this had been agreed. Counsel for the subject Officer opposed the application for anonymity but agreed to the request for her to be screened from the subject Officer when giving evidence. Counsel for the subject Officer submitted that Person A's request for anonymity did not reach the threshold required in Regulation 39(3) (c). The application for anonymity and screening was granted by the Chair, having heard representations from both parties.
6. Application to adduce 'further evidence' by the subject Officer
The Panel heard an application by the subject Officer's counsel to adduce into evidence a statement by PS Dove dated 17th August 2026. It was further proposed that he be permitted to give live evidence to the Panel via video link. The AA did not oppose this application based on fairness, subject to the opportunity for them to cross-examine the witness. The Chair granted this application.
7. An application for 'Character consideration' by the subject Officer
An application was made by the subject Officer for character evidence to be considered in PART 1 of the proceedings, as credibility of both the subject Officer and Person A was in issue and to be determined by the Panel. There was no objection to this by the AA and application was granted by the Chair.
8. **The Factual Allegations – PC Ben Fisher**
The Panel was referred to a final Regulation 30 notice wherein it was alleged:

Whilst working within Hammersmith Custody, Central West Area, on 9 or 10 December 2024, Person A, in her role as Custody Sergeant, gave the Officer an instruction to carry out a task, and that:

a. the Officer responded to her by saying "Okay" in a thick cultured Indian accent, followed by a head wobble.

b. the conduct was racially mocking and disrespectful, directed at a colleague of Indian heritage in the course of her duties.
9. **Standards of Professional Behaviour**

The AA contended that PC Ben Fisher's actions breached the Standards of Professional Behaviour as set out in Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024 namely:

- a. **Equality and Diversity:** *"Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly."*
- b. **Authority, Respect and Courtesy:** *"Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals."*

As a result of that stated, if proven, his conduct individually or cumulatively amounted to Gross Misconduct, in that his actions amounted to a breach of the Standard of Professional Behaviour relating to **Equality and Diversity** and **Authority, Respect and Courtesy** and his dismissal may have been justified.

10. **Evidence**

The Panel was referred to a bundle of documentary evidence consisting of 59 pages.

During the misconduct hearing the Panel heard live evidence from PS Dove, A/PS Alisha Dixon, Person A (by video link) and the subject Officer PC Ben Fisher. All other evidence had been agreed.

Additionally, the Panel received an Opening Note from the AA and 11-character statements for the subject Officer. All parties agreed the character statements were relevant to PART 1 of the proceedings, given the credibility of PC Ben Fisher was in issue.

11. **Evidential findings of the Panel**

The breakdown of the Panel's findings follows:

In coming to its conclusions, the Panel reminded itself that the burden of proof remained on the AA throughout and the standard of proof was on the balance of probabilities. All decisions made by the Panel were made in accordance with this standard of proof.

The Panel considered all the evidence presented in this case, the accounts provided in the written form and verbally as part of the hearing.

The breakdown of the Panel's findings was as follows. All findings were made on the balance of probabilities i.e. more likely than not to have occurred.

12. **Panel findings of fact:**

The Panel carefully considered the key evidence which was pertinent information to assist in assessing the specific allegations.

Witnesses were permitted to give evidence according to their availability and somewhat out of sequence, with the approval of both parties and the Chair.

- i. In considering **PS Alan Dove's evidence** namely his written statement dated 17th August 2026 and his live evidence at the hearing, the Panel noted the following;

PS Dove described both Person A and PC Fisher positively, regarding Person A as a capable and thorough Sergeant and PC Fisher as a professional, reserved officer who was not confrontational in nature. He stated that the shift on the date in question was routine, with no notable incidents, disputes, or concerns. He explained that the custody suite was relatively small, with officers working in close proximity, making conversations easy to overhear. As a result, he believed that any inappropriate comments would more likely than not have been heard and challenged immediately by himself or other officers.

As the second Sergeant on duty alongside Person A, PS Dove further explained that he could often hear conversations taking place at the opposite end of the custody suite, which he estimated to be between 5 and 7 metres in length. He stated that police officers are generally quick to discuss workplace issues and, had any such incident occurred, he would have expected it to become widely known. However, he was unaware of any concerns or signs of upset from Person A on 9 or 10 December 2024 and considered the alleged behaviour to be out of character for PC Fisher's usual conduct.

- ii. In considering the evidence of **A/PS Alisha Dixon** namely her undated MG11 written statement, received via email dated 03/04/25 (Pages 23-24) and her live evidence at the hearing the Panel noted the following;

A/PS Dixon confirmed that she was on duty and in close proximity to the area where the alleged incident may have occurred but stated that she did not hear the alleged comment. In her written statement, she recalled noticing Person A appearing shocked and upset following

a conversation and reported that Person A later informed her about the incident, indicating that she intended to deal with the matter herself. However, during her live evidence, A/PS Dixon could not recall either this conversation with Person A or the details of Person A's reaction. She also described the custody suite as relatively small, busy, and often noisy.

The Panel noted that A/PS Dixon had no direct evidence of the alleged incident and, due to her inability during live evidence to recall her reported discussion with Person A, her evidence neither corroborated nor undermined the allegation. As such, the Panel did not consider her evidence to be of significant assistance in determining the matter, other than providing support for the description of the custody suite's size and layout.

- iii. In considering the evidence of **Person A** namely her first report of the incident to DS Coulthard on 12th December 2024 (Page 40), her email of 7th January 2025 (Page 42), her MG 11 statement dated 13th February 2025 (Page 22) and her live evidence (video link) to the hearing the Panel noted the following;

From her first report of the incident to DS Coulthard on 12 December 2024, Person A explained that PC Fisher responded to her saying "ok" in what she described as a thick, cultured Indian accent. She stated that she challenged him directly at the time, describing the behaviour as racist, but took the matter no further at that stage because they were working a busy shift.

Person A then provided further details by email on 7 January 2025, describing the incident in more detail. She explained that the custody suite was busy at the time and that the incident took place near the control desk and printer area. According to her account, she was standing beside PC Fisher and had asked him to complete a task relating to a detainee's file. She alleged that PC Fisher responded in a manner which she perceived to be an imitation of an Indian accent, accompanied by a "head wobble" gesture. She stated that she immediately challenged the behaviour, indicating that she found it inappropriate and offensive. According to her account, PC Fisher questioned her objection and suggested that he had merely responded in what he considered to be a "funny accent". Person A explained that, at that stage, she would have been satisfied with an apology from PC Fisher, as she believed he had been attempting to be humorous.

In her statement, Person A reported that she believed A/PS Dixon had heard her challenge PC Fisher regarding the comment. However, this was not corroborated by A/PS Dixon's evidence.

Person A completed her MG11 statement on 13 February 2025, providing an account that was largely consistent with her previous reports. However, she recalled the incident as having occurred on 9 December 2024 rather than 10 December 2024, as previously stated. There was also some discrepancy as to whether she challenged PC Fisher immediately by the printer or after she had returned to her desk.

During live evidence, Person A accepted that there were some inconsistencies between the various written accounts she had provided. She maintained, however, that she did not believe she could have misheard or misinterpreted what PC Fisher had said to her. The Panel found Person A's evidence to be credible and honest, notwithstanding the inconsistencies regarding dates, times, and locations, which it considered could reasonably be attributed to the passage of time. The Panel also noted and appreciated Person A's cooperation throughout the investigation.

- iv. In considering the evidence of **PC Ben Fisher**, namely the Officer's interview under caution summary (MG14) dated 21.8.2025 (Pages 56-59), his Regulation 31 Response dated 1.7.2026 and his live evidence at the Hearing, the Panel noted the following;

MG14 dated 21.8.2025:

"This never occurred. I deny it wholeheartedly" and "I didn't make this response"

Regulation 31 Response dated 1.7.2026:

"The Officer never adopted an Indian accent, nor did he wobble his head (in a racially derogatory manner or at all) in the hearing of, or directed at, the complainant (or indeed at all). It follows that he also was not challenged, and nor did he justify such behaviour to the complainant. Although not particularised within the allegation, the Officer denies laughing and/or murmuring anything under his breath as alleged in the complainant's email dated 12th December 2024"

In live evidence, The Officer explained that he first became aware of the allegation on 29th January 2025 from his Sergeant. He described being 'flabbergasted' and 'blown away' by the accusation. He was unable then and now to pinpoint anything that could have been misinterpreted.

The Officer described how in that particular custody suite personnel always operated in pairs, so in addition to himself, Person A and A/PS Dixon there must have been at least one other person in the room at the material time.

The Officer denied saying 'ok' in an Indian accent or wobbling his head as alleged. He maintained if he had, someone would have heard it as well as the alleged challenge to him from Person A. The Officer suggested the word 'ok' would have been a typical response he would make to a task given to him by a Sergeant. He also commented that he was relatively inexperienced operating in that custody suite and didn't know his way around the various filing systems / locations well.

The Officer denied the allegations but did not suggest that Person A was deliberately misleading the Panel, preferring to assert that she must simply have misheard or misinterpreted any response he made to her instructions.

The Panel found PC Ben Fisher's evidence to be credible and consistent, and that he had cooperated throughout the investigation.

- v. In considering the evidence of **DS Coulthard (Agreed)**, namely his MG 11 dated 17.2.2025 (Pages 26 and 52) the Panel noted the following:

DS Coulthard provided a statement outlining his role as the custody suite manager and the interaction he had with Person A that led to her disclosure of the alleged incident.

In his statement, DS Coulthard explained that he emailed Person A on 11 December 2024 due to concerns for her welfare, having observed that she appeared stressed and tired over the preceding days. On 12 December 2024, Person A responded, describing events that had occurred over the previous two days and disclosing that she believed she had been subjected to a racist incident.

DS Coulthard stated that Person A advised there were no direct witnesses to the alleged incident. However, she explained that she had spoken to A/PS Dixon on 12 December 2024, as A/PS Dixon had apparently been nearby and had heard her challenge PC Fisher, although not the initial comment itself.

DS Coulthard further stated that the printer area where the alleged incident was said to have occurred was covered by CCTV. He reported that the relevant CCTV footage had been reviewed from the dates in question but had identified nothing of evidential significance. DS Coulthard stated that he promptly briefed Inspector Matthews regarding the matter, following

which the Inspector contacted Person A to establish the date and time of the alleged incident.

vi. In considering the **Character Evidence** (Eleven statements) the Panel noted:

The character statements were all positive and gave detailed examples of the Officer's professionalism. The character evidence referenced no undertones of racism on the part of the Officer, how seriously he viewed his role as a police Officer and were palpably not congruent with the characterisation of him as a 'class clown' making ill-judged racist jokes.

Character direction.

The LQA gave a full 'Good Character' direction to the Panel in respect of PC Ben Fisher, as follows;

The "good character" direction.

"You have heard that the Officer is a man who presents of good character [not just in the sense that he has no conduct findings recorded against him, but witnesses have spoken of his positive qualities.]

Of course, good character cannot by itself provide a defence to the allegations but when deciding whether the AA has proved the allegations against him on the balance of probabilities the Panel should take it into account in his favour in the following ways.

a. If the Officer has given evidence, as with any man of good character it supports his credibility.

This means that it is a factor which the Panel should take into account when deciding whether they believe his evidence and what weight they should attach to it. The Panel should bear in mind that it was made by a person of good character and take that into account when deciding whether they can believe it.

b) In the second place, the fact that he is of good character may mean that he is less likely than otherwise might be the case to commit the conduct as alleged.

These are matters to which the Panel should have regard in the Officer's favour. It is for the Panel to decide what weight they should give to them in this case".

vii. Still Photographs of the custody suite.

The Panel found these extremely helpful in assisting the Panel to gauge the size of the room where the incident was alleged to have occurred and where personnel/ witnesses may have been positioned etc. This helped in determining the unlikely event of no others hearing the alleged comment and response.

viii. Further Considerations and summary

- The Panel was conscious throughout its deliberations of the Metropolitan Police force's zero tolerance to racism.
- The Panel was mindful that the allegation centred around 'one word' spoken allegedly by the subject Officer, which would have been delivered and heard within a split second.
- The Panel accepted Person A's evidence and was satisfied that her account represented her genuine recollection and perception of the incident. The Panel did not consider that her evidence had been fabricated in any way. Person A was consistently described by colleagues as a professional officer and stated herself that, at the time, she had been seeking only an apology to resolve the matter. The Panel also considered the effort and scrutiny associated with acting as a witness in proceedings of this nature, together with the previously positive working relationship that Person A reported having with the Officer. In the absence of any identifiable motive to make a false allegation, the Panel found no reason to doubt that she had presented the events as she honestly recalled them.
- The Panel also accepted the evidence of the subject Officer. It considered that it was possible he may have responded with an unconscious eye roll or head tilt as an expression of exasperation, given his account that he was unsure how or where to file the required document, and that this mannerism if made could have been misinterpreted. The Panel accepted that it was unlikely that the Officer deliberately intended to make a racist comment. The Officer was described positively by those who gave evidence. Person A herself suggested that the alleged behaviour would have been out of character for him and stated that, aside from this incident, they had enjoyed a professional working relationship. The Panel therefore considered it

unlikely that the Officer would have made a racist comment unprompted or "out of the blue" in the manner alleged.

- The Panel could not determine that Person A's version of events was preferred over that of PC Ben Fisher's. The Panel found it perfectly reasonable that both parties had different perspectives as to what happened.
- In the absence of any cogent and reliable corroborative evidence the Panel was unable to distinguish between the versions delivered by the only two eye witnesses to the event alleged.
- The Panel was unable to satisfy itself that it was more likely than not, that PC Ben Fisher behaved in the manner described in the allegations, and consequently found the allegations against the subject Officer not proven.

Conclusion

In these circumstances the Panel carefully considered the following allegations;

Whilst working within Hammersmith Custody, Central West Area, on 9 or 10 December 2024, Person A, in her role as custody sergeant, gave the Officer an instruction to carry out a task, and that:

- a) the Officer responded to her by saying "Okay" in a thick cultured Indian accent, followed by a head wobble. The Panel found this not proven.
- b) the conduct was racially mocking and disrespectful, directed at a colleague of Indian heritage in the course of her duties. The Panel found this not proven

On this occasion the Panel found these allegations not proven and consequently no breaches of the Standards as alleged were found.

a. Decision on Publication

The Panel heard no representations as to why the Panel's decision should not be published. The Panel decided that the decision should be published in accordance with the requirement in Reg. 43(6) 2020 Regulations since it was important that misconduct hearings and decisions were transparent. Person A's details would remain cyphered.

Ms Jessica Harrabin (Chair); Ms Placida Ojinnaka and Ms Joy Tweed (IPMs)

19th August 2026