

IN THE MATTER OF THE MISCONDUCT PROCEEDINGS UNDER THE POLICE
(CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE POLICE (CONDUCT)
(AMENDMENT) REGULATIONS 2024)

BETWEEN

THE COMMISSIONER OF POLICE OF THE METROPOLIS

and

POLICE CONSTABLE MARTIN BAYFORD

PANEL FINAL DECISION

(A) Introductions:

1. This is the written final decision in respect of the misconduct hearing of PC Martin Bayford (the Officer). The outline of the Panel's decision was provided to the Officer during the hearing.
2. The misconduct hearing was held in public from 3-6 August 2026 at Palestra House, 197 Blackfriars Road, SE1 8NJ.
3. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 ('the 2020 Regulations').
4. The Panel was chaired by Katie Lilburn (Chair), with independent members Ms Fiona Bennett and Mr Adam Williamson. The Legally Qualified Adviser to the Panel was Ms Salma Yousef.
5. The Appropriate Authority (AA) was represented by Dr Russell Wilcox (AA's representative) and the Officer was represented by Tilly Taylor. The Officer was supported by a Federation Representative PS Danny Lawrence.
6. At the outset of its determinations, and throughout the hearing, the Panel remained mindful of the overarching purpose of police misconduct proceedings, namely:
 - i. To maintain public confidence in, and the reputation of, the police service;
 - ii. To uphold high standards of professional conduct and deter misconduct;
 - iii. To protect the public

(B) Preliminary Issues

Anonymity of the complainant

7. At the pre-hearing on 29 May 2026, it was determined that the misconduct hearing concerning PC Bayford would proceed in public. However, the Complainant was granted anonymity throughout the proceedings due to the sensitive nature of the material relied upon and the fact she is a complainant in a sexual allegation. The Complainant is hereafter referred to as 'Person A'.

Special Measures

8. Special measures were granted by the Chair prior to the hearing, for Person A to give her evidence from behind a screen to enable her to give her best evidence.

Further evidence

9. On the first day of the hearing, the Appropriate Authority applied to introduce a statement of the Front Office Manager at Flint House, [REDACTED] and a map of the site (SE/01). There was no objection to this and in fact it was requested by the defence. The Chair accepted that the material was relevant to a live issue and it possessed probative value and as it was agreed between the parties, the Chair agreed to admit the evidence.

(C) Case summary

10. The Officer and Person A arrived at Flint House, a residential police rehabilitation centre, on the morning of 22 July 2024.
11. Person A met the Officer for the first time at lunch that day, when she asked to sit with him as she did not know anyone at the facility. They were subsequently joined by other residents and formed a small group who arranged to meet later for dinner and take part in a pub quiz that evening.
12. After the quiz concluded, the group moved to sit in the garden, where they chatted and had more drinks.
13. At around 23:00, security asked the group to go inside as the grounds were closing. As the group made their way in, the Officer, PC Anderson and PC Castrillon, whose rooms were on the ground floor were walking together. Person A, whose room was on the second floor, realised the Officer was heading the wrong way and called out to him that his room was on the same floor as hers, whereupon he turned and followed her up the stairs.
14. As they climbed the stairs, with Person A several steps ahead of the Officer, Person A states that the Officer used his open palm and fingers to "*drum*" on the centre of her buttocks (over her jeans), lasting about two seconds.
15. The Officer repeated this on two more occasions and then pulled Person A into him in a "*hugging type motion*". Person A turned and awkwardly hugged him,

with her arms low, in order to remove his hands from her waist, and said words to the effect of *"I am going to sleep"* before going into her room alone.

16. Person A states that she did not consent to the touching or the embraces (which she thought were attempts to kiss), and that she gave no verbal or non-verbal indication throughout the evening that such behaviour would be welcome.
17. At 23:20, shortly after Person A had entered her room, she received a WhatsApp message from the Officer stating *"Room 228 if you are awake"*, accompanied by a crying/laughing emoji. She did not reply. The Officer deleted this message the following morning.
18. Person A immediately messaged PC Anderson (one of the group at Flint House) about what had happened.
19. Person A reported the matter to staff at the centre the following morning 23 July 2024, and Thames Valley Police were contacted and attended.

(D) The Allegations

1. The Panel was referred to a Regulation 30 notice in respect of the Officer containing the allegation, namely:

"Being a member of the Metropolitan Police Service, you:

1. On 22nd July 2024:

- a. Touched Person A's bottom area with your hand on at least one occasion;*
- b. Touched Person A in a hugging type motion on at least one occasion;*

2. The actions described in allegation (1) were:

- a. Intentional;*
- b. Sexual, either by their nature or due to the circumstances in which they occurred;*
due to the nature
- c. Done without the consent of Person A;*
- d. Done without a reasonable belief that DC Person A consented to that touching.*

By reason of the matters set out, either individually or collectively, your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to: Discreditable Conduct. Your behaviour amounts to gross misconduct."

20. In his Regulation 31 response, the Officer fully admits that he touched Person A's bottom area and fully admits the hugging motion.

Regulation 30 Notice

21. On the morning of the first day of the hearing the Regulation 30 Notice, as set out above, was read out. The Panel took note that the Officer Accepted allegation 1,

namely the touching and hugging and denied 2, namely that the touching was intentional, sexual, done without consent and done without a reasonable belief in consent.

22. His full response is set out in the Regulation 31 response.

Response to allegations

23. The Officer's response, as set out in his Regulation 31 Response and his interview under caution, can be summarised as follows: a. The Officer fully admits that he touched Person A's bottom area and fully admits the hugging motion. He denies that those actions were sexual, done without consent, or done without a reasonable belief in consent.
24. His account is that, whilst at Flint House, there had been an evening of drinking and a pub quiz, and that he believed there was an element of flirting between the parties, Person A having touched his arm and leg as they were in conversation.
25. The Officer recalled that as he was walking with Person A up the stairs, she stopped and pushed her bottom into his space and began "twerking".
26. The Officer fully admitted that as she was "twerking" in his face he gently tapped her on the buttocks with the back of his hand. The Officer stated that he had not chosen to tap her buttock area specifically, more that this was the natural position of his hand at this time and position. The Officer fully admitted that this happened three (3) times and on each occasion, it was because of Person A twerking close to his face.
27. He said as they got to the top of the stairs, Person A stumbled forward which caused him to grab hold of her to prevent her from falling. It was at this point the Officer stated that they faced one another, and he was not sure if they were going to kiss. So he went to hug Person A, which was reciprocated.
28. The Officer fully admitted that he did message Person A, giving his room number. However, the Officer stated that the group had earlier spoken about going to a peer's room to play a game of cards and have an additional drink. He maintained that this was his intention when sending Person A the message.
29. The Officer fully admitted touching the buttocks of Person A but denied that there was a sexual intent to this touching. The Officer states that this was part of a joke between the two of them as she had twerked in his face and they had been flirtatious with one another previously and they had been laughing and joking.
30. His case was that the touching occurred because Person A was "twerking" on the stairs in front of him and blocking his path, that the contact was a joke made in a flirtatious and light-hearted context, and that he honestly believed her behaviour towards him was flirtatious and consensual. The Officer explained that he did not flirt back and none of the touching was sexualised or for the purpose of sexual gratification.

31. He submitted that his conduct does not breach the Standards of Professional Behaviour at the level of gross misconduct.

(E) Evidence

32. The Panel had been provided with the following documents:
- a. Final Bundle (including Regulation 30 notice) consisting of 142 pages
 - b. PC Bayford's Regulation 31 response.
 - c. AA's opening note consisting of 13 pages
 - d. Statement of [REDACTED] and exhibit SE/01
 - e. Letter from GP
 - f. Whatsapp chat history
 - g. Character bundle
 - h. 3 video files
33. The Panel also heard from the following live witnesses
- a. Person A
 - b. PC Rio Anderson
 - c. PC Ryan Castrillon
 - d. PS Keith Flowers
 - e. The Officer

Person A

34. Person A adopted her initial statement, and part of her video-recorded evidence was played. She described the evening period leading up to the incident as having been "really nice and friendly". She explained that she had not known the Officer, PC Anderson or PC Castrillon before that day and was therefore a stranger to all three. She described her nervousness about staying at the centre as she did not know anyone. She first met the Officer at lunchtime when she asked if she could sit with him, as there was a free seat at his table. They engaged in general conversation, and she described the interaction as friendly.
35. Later that evening, Person A asked the Officer if he wanted a drink. They sat outside together for approximately 20–30 minutes before some other officers who they had also met at lunch time joined them outside. During that period, they discussed general matters and she said there was no flirting. Once the others joined, she did not believe that either she or the Officer paid particular attention to the other. She said they were not even facing each other when drinking.
36. During the quiz, Person A sat next to the Officer. She described the conversation as continuing in the same general, friendly manner. Following the quiz, the group went outside together. At one point, the Officer picked up Person A's vape from the table.
37. Person A confirmed that by the end of the evening she had consumed six pints of Estrella. She described herself as being at the "tail end" of being tipsy but not drunk. She considered six drinks over the period involved to be "not a lot" for her.

38. A WhatsApp group had been created during the evening for the group. Person A described the group as joking and laughing together. She said that once they left the garden, at the end of the evening, the Officer began walking in a different direction. She called out to him, believing he was going in the wrong direction as she had remembered him saying earlier that his room was on the second floor.
39. Person A said she then went straight ahead on the stairs. She described the Officer's first contact with her as occurring "out of nowhere", when he began to drum or tap her on the bottom. She described a second touching or "drumming", which was slightly quicker.
40. In cross examination, it was suggested to Person A that she had not been walking normally and that there had been dancing or twerking on the stairs. She strongly disputed this. She explained that she had attended Flint House because of [REDACTED] and said that it was physically impossible for her to "twerk". She said [REDACTED]. She said she could sometimes have been [REDACTED] on that particular day.
41. Person A said that following the second contact she walked more quickly up the stairs because she wanted to create as much distance as possible. She described herself as having completely shut down and said that, subconsciously, her body had created the distance rather than her consciously considering other options.
42. After the incident she experienced a panic attack. She described the incident as the "worst thing that has happened to me as an adult".
43. Person A referred to a message she received from the Officer at 23:20 with his room number, which she considered significant and evidence of his intentions. She was in her bedroom when she received this message. She subsequently messaged PC Anderson about the incident at 23:22 saying "Rio, he tried to get with me".
44. Person A also said she was attempting to contact her sister and subsequently went directly to reception the following morning and made a complaint.
45. In her witness statement, Person A said, "I believe he was trying to kiss me." She later clarified that she believed Bayford had gone to kiss her again.
46. In respect to the timings of this incident, Person A said that she left the garden at approximately 23:00. The group then moved towards the stairs and the incident occurred on the stairs. She estimated that the incident itself lasted approximately two minutes, although it was suggested that it may have lasted longer. She believed she had sent her message to PC Anderson shortly after the incident when she had returned to her bedroom. On cross examination, Person A said that it might have been approximately 23:05 when she left the other officers at the bottom of the stairs, receiving the message from the Officer at 23:20 and sending the message to PC Anderson at 23:22. She accepted that some of the timings might be wrong, as there was an unexplained period of approximately 15 minutes when the incident took place, but she had said it only lasted a couple of minutes.
47. Person A said that PC Anderson was the first person she spoke to about the incident. It was suggested that there must have been movement or pauses on the

stairs, particularly because of the allegation that dancing or twerking had taken place. Person A maintained that there had been no such behaviour.

48. Person A maintained throughout that she had not been flirting with the Officer. She explained that she did not interpret their conversations or interactions as flirtatious. At 23:23 Person A received a response from PC Anderson saying 'I knew he was into you but didn't think he would actually try something. That's awkward'. Person A responded to PC Anderson 'wtf' and later expanded that 'we've been having mates banter all night ffs'. The following morning, after meeting PC Anderson and later sitting with officers at breakfast, Person A sent a message to her fiancé at approximately 08:56 describing Bayford as "really f***ing weird and flirty".
49. She was questioned about why she had not initially told her fiancé about the incident. She explained that she did not regard the incident as straightforward sexual touching and was concerned about how her fiancé might react because he was protective.
50. She was asked about PC Anderson's response that she knew the Officer was "into you". Person A did not agree with that assessment and maintained that she had seen no indication during the evening that the Officer was interested in her.
51. Person A said that this was part of what made the following day so difficult. She believed they had simply been having a nice, friendly evening.
52. Person A was questioned in detail about the conversations she had with the Officer, particularly their initial one-to-one conversation. She explained that they had discussed why they were at Flint House, whether they had been there before, general matters about Flint House and aspects of their journeys. The conversation subsequently became more personal. Person A confirmed that she told the Officer she had become engaged approximately four or five weeks earlier. The group later discussed their partners and what they did. She said that the Officer spoke about his partner and showed a photograph of his young son. She was asked whether, with hindsight, there had been any cues that might have suggested the Officer was interested in her. She said the situation and interaction was relaxed and solely friendly where all people were discussing their partners. She emphasised that she was more than capable of recognising behaviour that could be flirtatious but said she had seen no indication that the Officer was flirting with her.
53. Person A was questioned extensively about her physical ailments at the time of this incident. She said she had [REDACTED]. She described [REDACTED] and said that she had attended Flint House specifically because of [REDACTED]. She said [REDACTED] and had taken a four-hour journey rather than a train because she found that more comfortable. She considered it physically impossible to have performed the twerking described in the Officer's account.
54. Person A also gave evidence about [REDACTED]. She had been [REDACTED] since 2016 and was subsequently [REDACTED]. She said she could drink alcohol while [REDACTED] and had never experienced [REDACTED]. She described [REDACTED]. She indicated that [REDACTED] on the night in question, as she was intending to go to sleep after the social drink.

55. It was suggested that alcohol may have affected her perception or behaviour. She maintained that this was not the case. She said she had consumed six pints over more than five hours and had eaten a carbohydrate-heavy meal prior to drinking.
56. Person A said she made the complaint because she was a Police Officer and believed that behaviour of this nature needed to be dealt with appropriately. She described the incident as making her feel violated.

PC Anderson

57. PC Anderson was referred to and adopted her statement, confirming that it was true to the best of her knowledge and belief. She described coming down for dinner and seeing Person A and Bayford together. She could not say that she had seen every interaction between them. She had consumed a couple of drinks and could not recall precisely how many drinks each person had consumed. She did not believe that anyone appeared drunk.
58. She stated that Person A had apparently mentioned [REDACTED], although PC Anderson could not remember the precise details.
59. She said that everyone appeared to be getting along well.
60. She was referred to her statement, which recorded that the group walked back towards the main building at approximately 23:05. The last time she saw Person A and the Officer was when they went up the stairs. The Officer had previously indicated that he knew his room was in that direction.
61. She said she subsequently received a message at 23:22 from Person A saying, in substance, "he tried to get with me."
62. She recalled being shocked by what had been disclosed by Person A. She described the Officer as being "flirty" and said that she did not think he would "pull something like that".
63. She accepted that her statement did not contain all of the matters later discussed at the hearing. She also confirmed that she had not gone to Person A's room or made a report herself. The Officer also contacted PC Anderson after he left Flint House.
64. PC Anderson was questioned about a message she received from the Officer (sent by the Officer the following day) which indicated that he believed there had been flirting on both sides. PC Anderson was asked directly whether she had witnessed flirtatious behaviour between the Officer and Person A. She said that she recalled the dynamic between them developing during the evening and that they appeared to get on very well. They laughed and had good conversations. However, she could not remember precisely what they had discussed and could not give a detailed account of particular flirtatious behaviour.
65. PC Anderson also explained that the WhatsApp group, referred to as "Mandem", had been created at approximately 21:30 around the end of the quiz. Numbers had been exchanged and there were multiple laughing emojis. She explained that "Mandem" was street slang for a group of people. She had stored the Officer under

the contact name of “Gang Gang” which she said similarly referred to someone within a group of friends. She considered the creation of the group and exchange of numbers evidence of the group developing a level of familiarity. She said that people could make quick connections and friendships.

66. PC Anderson was questioned about what she thought when Person A first disclosed what had happened. She could not remember exactly what she thought about the seriousness of the allegation at the time. She said that, with hindsight, it was obvious that Person A had been affected by what happened. However, during the evening everyone had appeared to be getting along well and there had been nothing that made her think that something of this nature was going to happen.
67. She could not remember why she had specifically thought that the Officer was “into her” or why she described him as ‘flirty’. She accepted that the passage of time had affected her recollection and that she had not referred to particular messages when preparing her statement.

PC Castrillon

68. PC Castrillon explained that he had not been with the group throughout the entire evening. He could not recall all of the conversations but described the atmosphere as very friendly. Everyone appeared to be getting along, laughing and joking.
69. He said he did not recall seeing Person A touching the Officer’s shoulder or legs. He did not recall any particular conversation when the group departed or separated.
70. PC Castrillon was asked about the interaction between Person A and the Officer. He said he had seen what he regarded as ‘flirting on both sides’. He accepted that he could not refer to a specific flirtatious conversation. He also accepted that the passage of time made his recollection harder to rely upon and that it was difficult to know precisely what he had heard and what he had not heard.
71. PC Castrillon recalled the formation of the WhatsApp group and the card games. He described the conversations as everyday chat about what people did on Borough and within the police. He could not remember whether the group had shared personal information or discussed relationships. He was asked about when he became aware that the matter had been formally reported. He said that quite some time had passed before he was asked to provide his statement and accepted that he could have forgotten details.

Sergeant Flowers

72. PS Flowers confirmed he was the Officer’s line manager. He described him as “absolutely fine”, as a reflection of him as an officer. When asked about the incident, he said he spoke to the Officer the following day. He said he knew that the

Officer had been at Flint House and had been asked to leave after an allegation had been made.

73. PS Flowers recalled the Officer describing events after drinking in the bar. According to PS Flowers, the Officer said that he and another female had gone back towards their rooms, that she had started twerking and that he had touched her on the bottom. PS Flowers did not recall any names being mentioned.
74. During the call PS Flowers described the Officer as upset but factual. He sounded confused and explained that he did not know what was being alleged. He said at that stage, there was no sense that the Officer understood that there was a formal investigation underway.
75. When asked about his own assessment of the Officer, PS Flowers said that, knowing him as he did, he did not think he had done anything wrong. However, he accepted that he did not know what had actually happened. PS Flowers said he considered the matter likely to be serious because the Officer had been sent home. He considered the alleged behaviour to be out of character. He said that, if he had suspected that the Officer was withholding information, he would have asked whether there was anything he was not telling him.

PC Martin Bayford

76. The Officer gave evidence about his career, including his service in the Metropolitan Police, initially as a special constable before becoming full-time and subsequently working in neighbourhood and town-centre roles. On 23 July 2024 he said he was at Flint House because he had torn a ligament in his leg. He had arrived at approximately 08:30 on the Monday. At lunchtime he was sitting at a table when Person A approached him. PC Anderson subsequently joined them and there was discussion about meeting for dinner.
77. After dinner, Person A asked him whether he wanted to go outside for a beer. The Officer said that they spent approximately 20 minutes outside together. They discussed general matters, including their jobs and comparisons between police forces, and then discussed their partners. The Officer bought the first round and said they bought approximately three rounds each.
78. PC Anderson subsequently joined them and the conversation continued in a similar manner. They then went to the quiz. The Officer said that by the time of the quiz the conversations had become more personal. He described everyone as loosening up and becoming more friendly. He said Person A was laughing and touching his arm and leg. They continued drinking outside.
79. The Officer said that after his arrest, he gave a full voluntary interview and said he had nothing to hide. He had been advised that he had a choice about whether to provide an account and chose to do so. He provided his phone password and said there was nothing on the phone that concerned him.

80. In relation to the allegations, the Officer said that as the night was coming to an end and the building was closing at approximately 23:00, he returned towards the main building with PC Anderson and PC Castrillion.
81. Person A called to him and asked, "Isn't your room this way?" the Officer said that another staircase would have been quicker, but he turned around and followed Person A up the stairs.
82. He described the first set of stairs as uneventful. On the second set of stairs, he said that Person A started 'twerking'. In oral evidence, he gave a previously unmentioned description of Person A adopting an all 4's position to perform this twerking movement with her hands on upper stairs in front of her.
83. He described himself as "shooing" Person A's bottom, as a result of her bottom being close to his face when she was in this position. He said the stairwell was not wide enough to walk around her. He then walked approximately three or four steps forward. According to the Officer, the same thing happened again and they were laughing. He said that he would recognise the difference between an awkward laugh and a genuine laugh.
84. When they reached one step from the top, Person A stumbled forward. He grabbed her around the hips to prevent her from falling. She then turned around and they were briefly at eye level. The Officer described this as an awkward moment. He said Person A then gave him a hug and they separated. He characterised the evening as involving "messaging about", laughing and joking.
85. The Officer said he believed that the interaction was mutual. He said that he believed he was permitted to touch Person A because they had been laughing and joking. He said that at the time he believed it was mutual banter and described the interaction as jovial relying upon his interpretation of the wider evening.
86. He said that at the top of the stairs Person A hugged him and that he hugged her in return. He described the embrace as mutual. The Officer said that they then went their separate ways. He returned to his room.
87. The Officer accepted that he sent a WhatsApp message concerning asking whether Person A was awake and giving his room number. He accepted that the message could be interpreted as wanting to have a liaison with her and that it could be viewed as a continuation of the behaviour on the stairs.
88. The Officer maintained that the group had discussed meeting in someone's room for drinks and that the discussion had taken place earlier while they were outside drinking. He said there had been no further discussion about this at the bottom of the stairs and that the group had simply said they were going to bed. The Officer nevertheless accepted that the message could look different when considered in isolation. He confirmed in interview that he had deleted it because he was concerned that his partner at the time might see it and take it out of context. He accepted that, because of how the message looked, he had downplayed the situation.
89. The Officer said that after becoming aware an allegation had been made, he was confused about what had happened. He said he contacted PC Anderson and

described what had occurred on the stairs. He said that Person A had been walking up the stairs and he had tapped her bottom. He said she responded in a way that suggested everything was fine. The Officer said that he had built up a relationship with the group during the evening. He later reflected that he never intended to make anyone feel uncomfortable. He said that he was concerned about how Person A was feeling and felt bad that an investigation had been launched and that other people had been dragged into the matter. He also said that he was confused and frightened by the allegation.

90. He described the longer-term impact as making him nervous about walking behind people and said that he still avoided doing so.-He said that he never wanted to make anyone upset.
91. The Officer was questioned specifically about the three occasions on which contact had been made with Person A's bottom. He was asked about the fact that he had touched her buttock three times and then embraced her. The Officer accepted that these actions were deliberate. He accepted that he intended to make contact.
92. In interview, he had said that he did not mean to make contact with her and that the location of where he hit her was accidental. During questioning, however, he accepted that although the exact location may not have been what he intended, he had intended to make contact physical contact with her.
93. He therefore accepted that the contact was not simply accidental, he described the first occasion as a "shooing" action. He accepted that on the second and third occasions he knew he was going to make contact with her bottom. He also accepted that the subsequent hug was intentional and that he believed it was mutual.
94. The Officer said that there had been an element of mutual flirting during the evening. He accepted that his behaviour could be interpreted as flirting. He was asked what he understood flirting to mean and described it as a form of playful behaviour towards a person to whom someone is attracted. The Officer initially said he was not particularly attracted to Person A. However, he accepted that he had thought she might be interested in him. He relied upon the nature of their interactions throughout the evening and particularly what he said occurred on the stairs. He also referred to PC Castrillon having mentioned the touching of his arm and leg. The Officer said that this contributed to his belief that there was a degree of mutual flirting.
95. The Officer accepted that he had consumed six drinks or pints. He accepted that he was tipsy but maintained that he knew what he was doing. He explained that being tipsy meant that he could feel the effects of alcohol and might be more willing to do things he would not otherwise do but maintained that he remained aware of his actions. He was asked whether he believed Person A's alleged flirting indicated that she was interested in him. He was then asked whether this was the reason he thought it was acceptable to touch her backside. The Officer said that he believed the interaction was mutual. He accepted that it was not normal to touch a female colleague in this way and conceded that it was unacceptable.
96. The Officer was asked about his actions as they started walking up the stairs. He said that on the first occasion he touched her bottom and that it was not simply a "drum roll". He maintained that Person A had been twerking and said that she was

lying when she said she had not been. He accepted that he knew on each occasion that he was going to make contact with her bottom. When they reached the top of the stairs, he said Person A became off balance. He said that he took hold of her hips to prevent her from falling. He accepted that this resulted in an uncomfortable closeness between them. He was asked whether, if he had been given the opportunity, he would have kissed her. He maintained that the hug was mutual and said that she reached towards him, so he gave her a hug. When asked whether he was saying that Person A had consented to the touching, the Officer said that his belief was that she had consented.

97. Person A's account was put to the Officer. She had said that she was approximately four steps ahead of him and did not understand what was happening. PC Bayford maintained that she was laughing in a jovial manner and that he had been "shooing" her. It was put to him that his account had changed from accidental contact to deliberate contact. The Officer accepted the deliberate nature of the contact.
98. It was also put to him that an alternative option to touching her (in this situation he described) was simply to allow her to continue walking or to use another part of her body to move or steady her. The Officer suggested that the alternative at the top of the stairs was to allow her to fall on her face.
99. The message concerning the room number that was sent to Person A was put to the Officer. It was suggested that the message asking whether Person A was awake demonstrated that he wanted to have a liaison with her. It was also suggested that it represented a continuation of the behaviour on the stairs.
100. The Officer accepted that this was an interpretation that could be placed upon the message. He accepted that this was one reason he had deleted the message, because he was concerned about how it would appear if his partner saw it. He accepted that he had downplayed aspects of what had occurred because of how they looked.
101. The Officer sent a message to PC Anderson the following evening. It was suggested that this amounted to an apology made once he was no longer tipsy. The Officer conceded that he should not have touched Person A's bottom. However, he maintained that at the time, in the circumstances as he understood them, he did not believe he had done something wrong.
102. The Officer accepted that he knew an allegation had been made and that his apology was therefore also concerned with how Person A had felt. A message sent to PC Castrillon was also examined. The Officer had asked him not to tell anyone. The Officer explained that he was concerned about his private life becoming public, particularly because of his position on the response team.
103. It was ultimately put to the Officer that he had opportunistically taken advantage of the situation. The case put to him was that he had effectively brought Person A into a hug with the expectation that he would kiss her and that he believed something might happen between them. It was suggested that, when the interaction did not develop as he expected, he realised what had happened and then attempted to cover it up. It was further suggested that he subsequently felt guilty and apologised. He said he could not answer on someone else's behalf. He nevertheless accepted

that the whole situation had been upsetting and that he felt guilty that everyone else had been dragged into it.

104. The Panel questioned the Officer about the description of Person A during the alleged twerking movement. He described her as being almost on all fours. He said that he was confused and surprised by what was happening. The Panel asked whether he regarded Person A's actions as sexual. The Officer said that it appeared as though she was doing it for him and described her position on all fours as being overtly sexual. The Panel then questioned why, if he believed she was being sexual, he considered his own subsequent touching of her bottom to be non-sexual. The Officer maintained that his action was a "shooing" action and that he was simply trying to move her along. The Panel asked whether he had considered any other options for moving her out of the way. The Officer suggested that he might have said something such as "let's go upstairs". He was asked what his feelings were when he made the intentional decision to "shoo" her. The Officer said that he was not initially aiming for her bottom and that he simply laughed at the time. The Panel asked what effort he had made to touch a different part of her body. This was relevant because The Officer had accepted that the contact with her bottom was deliberate. The Panel also examined the hug. The Officer described the embrace as ending in a cuddle before they went their separate ways. The Panel questioned the apparent awkwardness of the interaction, particularly given that both were in relationships. The Officer maintained that the hug was mutual.

(F) Panel's Approach

105. The Panel reminded itself of its core responsibilities:
- a. To assess the facts of the case and make findings in relation to each allegation;
 - b. To determine whether those findings amount to a breach of the relevant Standards of Professional Behaviour;
 - c. To decide whether the conduct found proven constitutes misconduct or gross misconduct.
106. In considering the facts, the Panel remained mindful that the burden of proof is on the AA and the standard of proof is the balance of probabilities that is, whether the alleged conduct is more likely than not to have occurred.
107. In line with the principle derived from *Byrne v General Medical Council* [2021] EWHC 2237 (Admin), the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not.
108. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.

109. The Panel was also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence and that their veracity should be tested by reference to objective facts proved independently in their evidence, in particular by reference to the documents in the case.
110. The Panel reminded itself that it should make a rounded assessment of a witness's reliability, rather than approaching their reliability in respect of each charge in isolation from the others: *R (on the application of Dutta) v GMC* [2020] EWHC 1974 (Admin).
111. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, the Panel must not speculate about what other evidence there might have been.
112. In reaching its decisions, the Panel considered the purpose and nature of police misconduct proceedings. The primary aim is not to punish the Officer, but to uphold public confidence in the police service and protect its reputation by ensuring accountability and making clear that improper conduct will not be tolerated.
113. A secondary aim is to affirm and promote high professional standards. A further purpose is to protect the public, the Complainant, and police staff by preventing recurrence of similar misconduct. In doing so, the Panel had regard to the principles established in *Bolton v Law Society* [1994] 1 WLR 512; *Chief Constable of Dorset v PAT, Salter (Interested Party)* [2011] EWHC 3366 (Admin); and *R (Williams) v PAT* [2016] EWHC 2708 (Admin).
114. The Panel also considered the relevant regulatory framework and guidance, including:
- a. The Police (Conduct) (Amendment) Regulations 2024 ("the Regulations"), particularly the Standards of Professional Behaviour set out in Schedule 2;
 - b. The 2018 Home Office Guidance ("HOG"), with specific reference to Chapter 1, which summarises the Standards;
 - c. The definition of misconduct under Regulation 3(1): "a breach of the Standards of Professional Behaviour";
 - d. The definition of gross misconduct under Regulation 3(1): "a breach of the Standards of Professional Behaviour so serious that dismissal would be justified".

(G) Finding of Facts

115. In reaching its decision the Panel the Panel carefully analysed the totality of the evidence, including the agreed hearing bundle, the early complaint evidence, the oral testimony of the witnesses, and the closing submissions made by Counsel for the Appropriate Authority and Counsel for the Officer. Legal advice provided throughout the hearing has been followed with care and diligence.
116. As highlighted by the Panel were mindful of the fact there were no independent eye-witnesses to the incident on the stairs, and that the case turned substantially on the account of Person A as against that of the Officer.
117. The Panel found that the Officer touched Person A's bottom area on three occasions while they were walking up the stairs and subsequently pulled her towards him in an embracing or hugging motion at the top of the stairs. The fact that physical contact occurred was established both by the Officer's admissions during the disciplinary process and by Person A's clear and consistent account.

(i) Whether the touching and embrace were intentional

118. Person A gave a clear and consistent account of the touching from her first interview. She described the Officer as using a "drumming" motion with his open palm and fingers on the centre of each of her buttocks. She described this occurring on three separate occasions as they walked up the stairs.
119. The panel noted that the Officer denied that he intended to touch Person A's bottom specifically and denied using the drumming motion described by Person A. In interview, he said that, as they reached the second flight of stairs, Person A stopped and began "twerking" or dancing with her bottom facing him. He said that he responded by "tapping" her bottom with the back of his hand, apparently to indicate that she should continue moving.
120. In oral evidence, he referred to a "shooing" motion and subsequently described Person A as holding onto the stairs in front of her, with her bottom facing towards him, whilst "twerking". The Panel found that the Officer's account had developed materially, specifically in terms of the position and actions of Person A, during the proceedings and considered the later detail to be inherently unlikely.
121. In particular, the Panel noted that the Officer had not previously referred to Person A holding onto the stairs. Nor was there any evidence of music, a preceding conversation about dancing, or any other event which would provide an obvious context for Person A to perform such a spontaneous movement, which had a sexualised position, on a narrow flight of stairs. The two other officers who had parted company with Person A and the Officer only moments before the incident did not refer to any conversation or event which would provide such a context.
122. The Panel also considered it inherently unlikely that, if the Officer's purpose had simply been to encourage Person A to move forward by means of a random "shooing" action, he would have made contact with the same area of her body on three occasions.

123. The Panel also considered Person A's evidence concerning her physical condition. Person A explained that she was at Flint House because of [REDACTED] which affected her everyday movements. She said that performing the twerking dance movement described by the Officer would have been physically impossible for her. She was open to her medical records being obtained to corroborate her account. The Panel considered the statement from her GP dated 2 August 2023, which [REDACTED]. Person A had also explained that she was [REDACTED].
124. The Panel gave some weight to this evidence, particularly as Person A had been open about her medical condition and had invited it to be corroborated. The Panel also noted that she had driven to Flint House that day on a journey of approximately three to four hours and described experiencing [REDACTED] as a result.
125. The Panel noted the agreed fact that Person A had [REDACTED] at approximately 9pm, including [REDACTED]. The Panel placed limited weight on this factor in isolation but considered it as part of the wider circumstances of the evening and deemed this indicative that she was preparing to wind down for the evening.
126. The Panel was particularly concerned by the extent to which the Officer's account of the alleged "twerking" developed during the proceedings. In oral evidence, for the first time, he described Person A adopting what he characterised as an "all fours" position, placing her hands on the steps in front of her while performing a twerk, with her bottom very close to his face. He described this as an overtly sexual position.
127. The Panel considered it implausible that Person A would have adopted such a suggestive position on the stairs in the absence of any identified precursor event or conversation. Further, if this had occurred, the Panel considered it reasonable to expect the Officer to have referred to such a significant feature in his interview or Regulation 31 response. He did not do so.
128. Having considered both accounts, the Panel preferred Person A's account. It found that the alleged "twerking" did not take place. The Panel found that Person A was walking up the stairs when the Officer unexpectedly touched her bottom using the motion she described and that he repeated that action on two further occasions.
129. The Panel therefore found that the touching was deliberate and intentional.
130. In relation to the subsequent embracing motion, Person A said that, after the second touching of her bottom area, the Officer pulled her towards him. The Officer's account was that, as they reached the top of the stairs, he "tapped" her, she "stumbled forward", and he then "grabbed her hips" to stop her from falling.
131. The Panel considered it improbable that Person A would have stumbled forward as a consequence of the light tapping described by the Officer. Having regard to the nature of the contact and the surrounding circumstances, the Panel preferred Person A's account and found that the Officer intentionally pulled her towards him in an embracing or hugging motion.

(ii) **Whether the conduct was sexual**

132. The Panel next considered whether the touching and the embracing motion were sexual, either by their nature or by reference to the circumstances in which they occurred.
133. In relation to the touching of Person A's bottom, the Panel did not consider that every touching of that part of the body would necessarily be sexual. In this case, however, the location of the touching, its deliberate and repeated nature, and the circumstances in which it occurred led the Panel to find that the touching was sexual.
134. In relation to the embrace, the Officer said that he had grabbed Person A's hips to stop her falling and that they then looked at each other "like it was a case of like a kiss is going to happen". Person A said that, at the top of the stairs, the Officer pulled her towards him by her waist and that she believed he was going to kiss her. She said that she turned slightly and attempted to hug him with her arms lower than his in order to prevent his hands remaining on her waist.
135. The Panel considered the circumstances surrounding the embrace and rejected the Officer's explanation that the contact was simply to prevent Person A falling. The Panel found that the Officer deliberately pulled Person A towards him in circumstances in which the possibility of a kiss arose. The Panel considered this to be sexual both by reference to the nature of the contact and the circumstances in which it occurred.
136. The Panel also considered the incident as a whole. The deliberate and repeated touching of Person A's bottom, followed shortly afterwards by the deliberate embrace in circumstances where a kiss was contemplated, formed part of the same sequence of events.
137. The Panel considered this finding to be further supported by the message sent by the Officer to Person A shortly afterwards, at approximately 23:20, stating "Room 228 if you're awake". The Officer accepted that he subsequently deleted this message because, if his partner saw it, she might form the "wrong impression without context".
138. The Officer explained that the message was intended as an invitation to Person A to play cards and have another drink, referring to an earlier discussion about doing so in a "peers room". He explained that he did not invite the wider group because he thought they were likely to be asleep.
139. The Panel did not find this explanation convincing. The Officer had sent a message to the group only one minute earlier, at 23:19, stating "Night all", and PC Anderson responded at 23:21. The Panel considered that the timing and private nature of the subsequent invitation to Person A were inconsistent with the Officer's explanation that it was simply a continuation of a platonic group arrangement.
140. The Panel found that the message had a sexual context and, when considered alongside the touching and subsequent embrace, supported its conclusion that the incident was sexual in nature.

(iii) **Consent**

141. The Panel then considered whether Person A consented to the touching and the subsequent embrace.
142. The Panel noted that the Officer did not identify any express consent. To the extent that his account suggested implied consent, the Panel considered that the alleged “dancing” or “twerking” might, if it had occurred, potentially have been relied upon as an indication of sexual interest or consent. However, the Panel had rejected that account.
143. The Panel also considered Person A’s evidence about the chronology of the evening. She explained that they had discussed their respective partners and that she had mentioned her fiancé, while the Officer had mentioned his girlfriend. She said that this made her feel at ease and that she did not believe she had given any indication that she was interested in the Officer.
144. Person A expressly stated that at no point during the evening had she consented to being touched by the Officer and that she did not believe she had given any verbal or non-verbal indication of consent. She also explained that she had not touched him in a suggestive way.
145. The Panel accepted this evidence.
146. The Panel considered the contemporaneous messages sent by Person A to PC Anderson shortly after the incident. Person A stated that the Officer had “tried to get with me”, was “slapping my arse when walking up the stairs” and had “then pulled me in for a kiss”. PC Anderson responded that she “knew he was into you, but didn’t think he would actually try something”.
147. The Panel considered these messages significant. They were initiated by Person A shortly after the incident and were consistent with her account that the conduct had been unexpected and unwanted. Her subsequent message that she was “so annoyed” because she had thought the Officer was “sound” was also consistent with her evidence that she had not perceived there to be a mutual sexual interest.
148. The Panel gave limited weight to the Officer’s hearsay evidence that PC Castrillon had said that Person A was “all over you”, as this was not contained within PC Castrillon’s statement and was not otherwise supported by the evidence.
149. The Panel also considered the Officer’s apology to the group the following day, including his expression that he felt “shit” for making Person A feel uncomfortable. The Panel considered this to be consistent with its finding that the Officer understood that his conduct had caused Person A discomfort and had not been welcomed by her.
150. Having considered the evidence as a whole, the Panel preferred Person A’s account and found that she did not consent to the touching of her bottom or to the subsequent embrace.

(iv) Reasonable belief in consent

151. Finally, the Panel considered whether the Officer had a reasonable belief that Person A consented to the touching and subsequent embrace. The Panel was mindful that the Officer did not expressly put his case on the basis that he reasonably believed Person A consented. Nevertheless, the Panel considered whether, having regard to all the circumstances known to the Officer at the time, there was any reasonable basis for such a belief.
152. The Panel recognised that there had been a friendly atmosphere amongst the group during the evening. Person A had approached the Officer's table when she first arrived, they had spent time drinking together, taking turns to buy drinks, and may have shared a vape. The Panel also noted that Person A invited the Officer to accompany her towards the stairs.
153. The Panel further considered the evidence of the officers who described a generally friendly atmosphere amongst the group. Although the term "flirty" was used, the Panel did not find that this established that Person A had behaved flirtatiously towards the Officer. In particular, PC Anderson's evidence that she "knew he was into you" and that he was "flirty but didn't think he would pull something like that" was evidence of the Officer's apparent interest in Person A rather than evidence of reciprocal interest on her part.
154. The Panel found that these earlier friendly interactions were insufficient to provide a reasonable basis for the Officer to believe that Person A consented to the particular physical contact which followed.
155. The Panel considered it significant that Person A had told the Officer that she was engaged and that they had discussed their respective partners. The Panel also accepted Person A's evidence that any physical contact initiated by her had been limited to ordinary contact, such as touching his shoulder or arm to obtain his attention during the quiz or tapping him in an animated manner whilst laughing. There was no evidence of her touching the Officer in a sexually suggestive manner.
156. The Panel's findings concerning what occurred on the stairs were also significant. Having rejected the Officer's account of the alleged "twerking", the Panel found no evidential basis for the suggestion that Person A had behaved in a manner which could reasonably have conveyed sexual interest or invited the touching.
157. The Panel also considered the fact that Person A did not say anything at the moment the touching occurred. The Panel accepted her explanation that she was shocked and that she and the Officer were alone. The Panel considered that her reaction was consistent with her immediate reporting of the incident and with her account in her statement.
158. The fact that Person A had invited the Officer towards the stairs did not, in the Panel's view, provide a reasonable basis for believing that she consented to the subsequent touching. The Panel considered that invitation to be consistent with Person A feeling safe in the Officer's company. It did not amount to an invitation to sexual contact.
159. The Panel also considered the Officer's private message to Person A at 23:20, shortly after the incident, stating "Room 228 if you're awake". The Panel did not

consider Person A's failure to respond, in itself, to establish what the Officer believed at the time of the touching. However, the message was relevant to the Panel's assessment of the circumstances immediately following the incident.

160. The Panel did not accept the Officer's explanation that the message was simply an invitation to continue an earlier discussion about playing cards and having another drink. In particular, the message was sent privately to Person A only one minute after the Officer had sent "Night all" to the group. The Panel found that the timing and private nature of the invitation were more consistent with the sexual context which the Panel had already identified than with an innocent continuation of a group arrangement.
161. Most significantly, the Panel's finding that the Officer's account of the "twerking" was implausible and had developed materially during the proceedings meant that there was no reasonable basis for the Officer to have believed that Person A had initiated or invited the touching. The Panel also considered the Officer's knowledge that Person A was engaged, the absence of any suggestive physical conduct by Person A, the deliberate and repeated nature of the touching, the subsequent embrace, and Person A's immediate contemporaneous report of the incident.
162. Having considered all of these matters cumulatively, the Panel found that the earlier friendly interaction between the parties did not provide a reasonable basis for the Officer to believe that Person A consented to the touching of her bottom or the subsequent embrace.
163. The Panel therefore found that there was no reasonable basis upon which the Officer could have believed that Person A consented to the conduct in question.

(H) Standards

164. The Panel then moved to consider whether the Officer's conduct to a breach of the Standard of discreditable conduct.
165. The Panel found that the Officer's deliberate and non-consensual sexual touching of a female colleague fell significantly below the standards of behaviour reasonably expected of a serving police officer. The conduct was inconsistent with the values of respect, integrity and professional responsibility expected of those holding the office of constable.
166. The Panel considered that the circumstances made the conduct particularly discreditable. Person A was a colleague and was entitled to expect appropriate professional and personal boundaries from the Officer. The conduct occurred in a residential rehabilitation Centre where colleagues should be able to socialise and feel safe. The Panel considered that the Officer's conduct represented a serious breach of that trust.
167. The Panel further considered that conduct of this nature, when committed by a police officer, has the potential to bring the individual officer and the police service into disrepute. Public confidence depends upon police officers being seen to respect the dignity, personal boundaries and safety of others. This is particularly important

where the conduct involves unwanted sexual behaviour towards a female colleague and sits within the wider context of violence against women and girls.

168. The Panel was mindful that it should not double count the sexual nature of the misconduct, the harm caused or the VAWG context. However, it considered that the discreditable nature of the conduct was a separate and relevant consideration because of the extent to which the Officer's behaviour departed from the standards expected of a police officer and the consequent potential to undermine public confidence in the police service.
169. The Panel therefore found that the Officer's conduct did amount to a breach of the standard of discreditable conduct. It was conduct which a reasonable member of the public would regard as falling significantly below the standards expected of a serving police officer and which had the potential to damage confidence in both the Officer and the wider police service.

(F) Assessment of Seriousness

170. The Panel then made a provisional assessment of seriousness having determined the facts and the elements of the allegations, with regard to the Officer's culpability, the harm caused and the impact upon public confidence and trust in the police service.

Culpability

171. The conduct was intentional and deliberate. This was not an accidental. The Officer deliberately touched Person A's bottom on three occasions and subsequently deliberately pulled her towards him in an embrace in circumstances where the possibility of a kiss arose.
172. The Panel also considered the conduct in the context of what occurred immediately afterwards. The private message sent by the Officer to Person A shortly after the incident, inviting her to his room, was relevant to the Panel's assessment of the circumstances and was consistent with the sexual context which it had already found.
173. The Panel considered the conduct to be serious misconduct of a sexual nature. It was mindful that it should not double count the sexual nature of the conduct when assessing seriousness. Nevertheless, the sexual nature of the conduct was relevant to the overall assessment of its gravity, particularly because it involved deliberate, non-consensual touching of an intimate part of a female colleague followed by a further physical advance.
174. The Panel also considered the relevance of paragraph 4.22 of the relevant guidance, namely the consideration that conduct which is criminal in nature may increase the seriousness of the misconduct. The Panel did not treat this as meaning that the Officer had committed a criminal offence, nor did it seek to determine criminal liability. Rather, the Panel considered that the nature of the conduct found proved was sufficiently serious that it was conduct which, viewed objectively, had a

criminal character. This was a significant factor in assessing the gravity of the misconduct.

175. The Panel also considered the context of violence against women and girls (“VAWG”). The Panel was mindful that it should not attach additional seriousness merely because the person affected was female. However, it considered that the conduct fell within a broader context in which women should be able to expect to be safe from unwanted sexual conduct, including in professional and social environments involving police officers.
176. The fact that Person A was a female colleague was relevant to the Panel’s assessment of the breach of trust and professional boundaries involved. The Officer was a serving police officer and was therefore expected to exercise sound judgement and to understand the importance of consent, dignity and appropriate boundaries. The Panel considered the conduct to be particularly grave in that context. The Panel considered the Officer’s culpability to be high.

Harm

177. The Panel considered the harm caused to Person A to be significant. It took account of her evidence concerning the immediate and longer-term effect of the incident. She described experiencing physical symptoms of distress, including her neck becoming hot and experiencing a panic attack, and described the incident as having had a substantial psychological impact upon her.
178. The Panel also considered her evidence that the incident had triggered memories and reactions associated with a previous incident and that she continued to reflect upon what had happened. She described the incident as having remained impactful for approximately two years and as the “worst thing that has happened to me as an adult”.
179. The Panel accepted that the incident had caused Person A significant psychological distress. It regarded this as an important feature of the seriousness of the misconduct.
180. The Panel also considered the wider reputational harm. Public confidence in policing depends upon members of the public having confidence that police officers will respect the dignity, safety and personal boundaries of others and will not misuse the trust placed in them.
181. This is particularly important in the context of violence against women and girls. Police officers are expected to protect members of the public from sexual and other inappropriate conduct. Conduct of the nature found proved, when committed by a police officer, has the potential to undermine confidence in the ability of the police service to uphold those standards.
182. The Panel therefore considered that the misconduct had the potential to cause significant reputational harm to the police service and to undermine public trust and confidence. The Panel considered the individual and reputational harm to be high.

Aggravating features

183. The Panel identified the following aggravating features:

- a. The conduct was deliberate and involved repeated touching rather than a single isolated contact.
- b. The touching involved an intimate part of Person A's body and was followed by a further deliberate physical advance.
- c. The Panel found that the conduct had a sexual context and that the Officer subsequently sent Person A a private invitation to his room shortly after the incident.
- d. The conduct occurred between colleagues in a residential setting where Person A was entitled to expect that she could socialise safely and without being subjected to unwanted sexual conduct.
- e. The setting was relatively isolated. Person A and the Officer were alone on the stairs when the conduct occurred and she was away from her usual support network. The Panel considered that those staying at Flint House should be able to expect to feel safe in that environment.
- f. The conduct caused significant psychological distress to Person A, including the longer-term impact described in her evidence.
- g. The Officer's position as a police officer increased the seriousness of the breach of trust and professional standards. Officers are expected to maintain appropriate boundaries and to demonstrate sound judgement both in their professional duties and in their conduct outside those duties.

184. The Panel considered whether sexual gratification should be treated as a separate aggravating feature. It was mindful of the need to avoid double counting the sexual nature of the conduct. To the extent that the evidence supported a finding that the conduct was motivated by sexual interest or gratification, the Panel regarded this as relevant to culpability and the deliberate nature of the conduct, but did not treat it as a separate aggravating factor in a way which would artificially increase the seriousness of the same conduct twice.

Mitigating features

185. The Panel also considered the mitigating features advanced on behalf of the Officer. It recognised that the conduct occurred during a single episode and over a relatively short period of time. It did not involve prolonged or repeated conduct over a period of days or weeks.

186. The Panel also took account of the Officer's engagement with the disciplinary process. In interview, he provided an account of events and handed over his mobile phone, enabling the relevant messages to be considered. The Panel also considered the apology message sent by the Officer following the incident. It regarded this as evidence that he had at least some recognition that his conduct had caused Person A discomfort and that he had engaged with the process rather than seeking to avoid it.

187. The Panel gave these matters some weight in mitigation.

188. However, they did not materially reduce the seriousness of the conduct. The fact that the conduct constituted a single episode and was of relatively short duration did not alter the deliberate and sexual nature of the touching, the absence of consent, the subsequent physical advance, or the harm caused.

Overall assessment of Seriousness

189. Having considered the seriousness of the conduct, the Officer's culpability, the harm caused, the aggravating and mitigating features, and the potential impact upon public confidence, the Panel found the misconduct to be grave.
190. The Panel considered that the Officer's conduct represented a serious breach of the standards expected of a serving police officer. It involved deliberate and non-consensual sexual conduct towards a female colleague, in circumstances where she had trusted the Officer and reasonably expected to be safe.
191. The Panel considered that the combination of the Officer's high culpability, the significant psychological harm caused to Person A, the breach of trust, the circumstances in which the conduct occurred, the discredit brought upon the Officer and the potential impact upon public confidence meant that the misconduct was sufficiently serious that dismissal could be justified.
192. Applying that definition and having undertaken an assessment of seriousness, the Panel were satisfied that the breaches of professional standards did amount to gross misconduct.

(G) Outcome decision

193. Having found the allegations proved, and determined that the conduct amounted to gross misconduct, the Panel then considered the appropriate sanction.
194. The Panel reminded itself that the purpose of sanction is not simply punitive – but to reflect the seriousness of the misconduct, maintain public confidence, uphold professional standards and, where appropriate, have a deterrent effect.
195. The Panel have found the Officer's culpability to be high. The conduct was deliberate and involved non-consensual sexual touching of Person A, followed shortly afterwards by a further physical advance. The Panel did not regard this as an accidental contact.
196. The Panel considered the circumstances particularly significant. Person A and the Officer were colleagues staying at Flint House, where she was entitled to feel safe, particularly when she was there for rehabilitation, and to be able to socialise with colleagues without being subjected to unwanted sexual conduct.
197. In considering harm, the Panel considered the significant psychological impact upon Person A and the potential damage to public confidence. As a serving police officer, the Officer was expected to maintain high standards of integrity, respect and professional boundaries. The Panel considered that conduct of this nature had the potential to bring discredit upon the Officer and the wider police service.

198. The Panel carefully considered the aggravating and mitigating features.
199. In mitigation, the Panel recognised that this was a single episode of relatively short duration. It also took account of the Officer's admission that physical contact occurred, his engagement with the disciplinary process and his apology following the incident.
200. The Panel gave due weight to the eight positive character references describing the Officer as reliable, trustworthy, professional, hardworking and supportive of colleagues. It also considered evidence of his leadership and community involvement, his commendation from the BCU Commander and the evidence of his actions in saving a person's life.
201. The Panel accepted that this demonstrated strong evidence positive service and that the misconduct appeared to be out of character.
202. The Panel noted that the misconduct was a spur-of-the-moment and ill-judged act, rather than conduct which had been planned or premeditated over a period of time. The Panel accepted that the Officer did not set out with a pre-existing plan to engage in the conduct and that the incident arose during a social interaction. This was relevant mitigation and the Panel gave it some weight. However, the fact that the conduct was spontaneous did not make it accidental.
203. However, having carefully balanced those matters against the seriousness of the misconduct, the Panel concluded that the mitigation did not outweigh the gravity of what had occurred.
204. The Panel found that the conduct involved deliberate and repeated non-consensual sexual touching of a female colleague, a serious breach of trust and professional boundaries, significant psychological harm and a substantial potential impact upon public confidence.
205. The Panel considered whether a final written warning or another lesser sanction could adequately communicate that message. It concluded that it could not due to the sexual context and the level of current public interest and concern of such matters. In the Panel's assessment, a lesser sanction would not sufficiently reflect the gravity of the misconduct, the significant harm caused, the Officer's high culpability, the breach of trust or the potential impact upon public confidence.
206. The Panel was mindful that sanction is not intended to punish the Officer simply for the sake of punishment. However, it must reflect the gravity of the misconduct and ensure that the standards expected of serving officers are understood and maintained.
207. The Panel believe it is necessary that misconduct is sanctioned robustly to send a clear message about the standards expected of police officers and that deliberate, non-consensual sexual conduct towards a colleague is incompatible with the standards expected of a police officer, regardless of the otherwise positive character or previous service of the individual concerned.

208. Having determined that the Officer's conduct amounted to gross misconduct, the Panel concluded that the only proportionate and appropriate outcome was dismissal without notice.
209. The Panel considered that this was necessary not only in the interests of maintaining professional standards within the police service, but also to maintain public confidence that such conduct will be treated with the seriousness it warrants.
210. The Panel further determined that he should also be placed on the College of Policing barred list.
211. The panel orders publication pursuant to regulation 43 (6) of The Police (Conduct) Regulations 2020.

(H) Right of Appeal

212. In accordance with Regulation 43(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal. ("PAT"). The PAT may increase or decrease any penalty or overturn this decision.

Former Commander Katie Lilburn
Metropolitan Police Service
6 August 2026