

PS AHMET RETVAN

(P226553)

ACCELERATED MISCONDUCT HEARING

REGULATION 63(1) REPORT

Introduction

1. This matter comes before me as an accelerated misconduct hearing under Part 5 of the Police (Conduct) Regulations 2020 ("the Conduct Regulations"), as amended.
2. The hearing was conducted by me, Commander Brigid Beehag-Fisher, on 18 September 2026 at Sutton Police Station, Patrick Dunne House, Chalk Pit Way, SM1 4RD.

Public / Private Hearing

3. The hearing was conducted in public.

Representation

4. The Appropriate Authority ("AA") was represented by counsel, Mr Silas Lee.
5. PS Ahmet Retvan was represented by counsel, Miss Rina Hill. He was also accompanied by Inspector Richard Lee, Federation Representative and A/Inspector James Wright, Welfare Officer.
6. I was advised by counsel, Mr James Lloyd, Legally Qualified Advisor ("LQA"), who provided his advice on the record. I delegated responsibility for preparing this report to Mr Lloyd pursuant to regulation 63(1B). Mr Lloyd submitted a draft report to me pursuant to regulation 63(1C)(a). Having considered that draft, I have satisfied myself, as required by regulation 63(1C)(b)(ii), that I am content with the report.

Preliminary Issues

Amendment

7. The Regulation 51 notice describes the conduct as occurring “between February 2026 and May 2026”.
8. At the outset of the hearing, Mr Lee on behalf of the AA applied to amend that particular to read “On 13 May 2025 and on 19 February 2026...” The amendment therefore sought to correct the dates and plead two distinct incidents rather than a course of conduct.
9. The application was not opposed.
10. Regulation 51(2)(a) requires the notice to “describe the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct.” Regulation 54 then requires the officer to identify the allegations disputed and give his account of the relevant events. The purpose is clear: the officer must know the case he has to meet and have a proper opportunity to answer it.
11. The Regulations do not set out a detailed code governing amendment of a Regulation 51 notice. Regulation 61(1), however, gives the Chair a degree of discretion in determining the procedure at the accelerated hearing, subject to the Regulations. Those procedural powers must be exercised consistently with natural justice and with the statutory function of the Regulation 51 notice.
12. The authorities emphasise the importance of an officer being tried on the case of which he has been given notice. Where a tribunal wishes to scrutinise conduct by reference to a case not contained in the regulatory notices, fairness requires the officer to be informed as early as possible.
13. I am satisfied that, in this case, the Regulation 51 contained obvious errors. Neither party understood the erroneous date range to apply; PS Retvan’s Regulation 54 response related to the intended incidents of 13 May 2025 and 19 February 2026. That response also disputes the characterisation of those two incidents as a course of conduct.

14. I am satisfied that the amendment cannot cause any prejudice. It does not alter the nature of the case faced by the Officer. There is no suggestion that PS Retvan has prepared his defence on the incorrect factual basis.
15. In those circumstances, I am satisfied that it is proper to make the amendment sought.

Anonymity

16. The parties agreed, and I directed, that the female concerned in this case should be anonymised and referred to throughout the hearing and in this report as "Ms A". The material before me includes information and imagery concerning matters falling plainly within her private life. I was satisfied that identification would amount to a significant interference with her rights under Article 8 of the European Convention on Human Rights and that, in the circumstances of this case, publication of her identity was neither necessary nor proportionate to the proper conduct or reporting of these proceedings. I am satisfied that this direction pays sufficient deference to the important principle of open justice while affording appropriate protection to Ms A's privacy.

The Allegation

17. The Regulation 51 notice, as amended, alleges that:

On 13 May 2025 and on 19 February 2026, whilst serving as a Police Sergeant and using a Metropolitan Police Service-issued mobile telephone, you have taken from another mobile phone device a picture of an image which was intimate and sexual in nature and another picture of a personal conversation, not work related.

Particulars:

- i) Routine Lawful Business Monitoring conducted by the Digital Exploitation Team identified an image that was taken on 19 February 2026 at 22:37 hours of a white female with blonde hair wearing only her underwear, naked from the waist upwards and facing away from the camera, her face is not visible.

ii) A further image was taken on 13 May 2025 at 20:43 hours which displays a “WatsApp” conversation with a fellow female police officer, which was personal in nature, and entirely unrelated to policing.

iii) This image was personal and sexually explicit in nature, having no policing purpose.

iv) Any material of a sexually explicit or pornographic nature is considered unacceptable and in breach of Met ICT Policy (2.6.3).

v) The images were identified as having been created, whilst you were on duty.

vi) You later accepted, in your written response, that you deliberately used the MPS device to reproduce the image and subsequently recognised that it was inappropriate content to retain on a work-issued device. This is unprofessional and contrary to policy.

The creation and storage of sexualised material on an MPS-issued device is wholly inappropriate, undermines professional standards, and is incompatible with the responsibilities of a police officer.

18. The AA contends that the conduct breached the Standards of Professional Behaviour relating to:

a) Duties and Responsibilities; and

b) Discreditable Conduct.

19. The AA further contends that the conduct, individually or cumulatively, amounts to gross misconduct.

Regulation 54 Response

20. PS Retvan served a written response pursuant to regulation 54 dated 7 September 2026.

21. His written position distinguishes between the two photographs.

13 May 2025

22. PS Retvan admits that on 13 May 2025 he used his MPS-issued mobile telephone to photograph a personal WhatsApp conversation displayed on his personal mobile telephone.
23. He accepts that there was no legitimate policing purpose for taking that photograph and accepts that doing so was inappropriate.
24. He further accepts that the use of his MPS telephone for that purpose was contrary to paragraph 4.2.4.1 of the MPS ICT Systems Policy, which provides that MPS telephony should be used only for primary policing purposes, whether operational or organisational support in nature.
25. He nevertheless denies that this conduct amounted to a breach of either of the Standards of Professional Behaviour alleged. In particular:
 - a) he says that he was off duty when the photograph was taken;
 - b) he says that he had accessed his work telephone while off duty, as he frequently did, to check whether there was anything urgent requiring his attention;
 - c) he says that the photograph was subsequently deleted both from the camera roll and from the deleted-items folder;
 - d) he submits that there was nothing inappropriate per se about the content of the WhatsApp conversation;
 - e) he does not accept that the material was capable of harming the effectiveness or reputation of the MPS or its officers or staff within paragraph 2.6.1 of the ICT Systems Policy; and
 - f) he submits that the admitted breach of the ICT Systems Policy was a technical breach which did not itself amount to misconduct or gross misconduct.

26. Accordingly, although PS Retvan admits the underlying act of taking the photograph, he denies that his conduct on 13 May 2025 breached the Standards of Professional Behaviour.

19 February 2026

27. PS Retvan admits that on 19 February 2026 he used his MPS-issued mobile telephone to photograph an image of Ms A, which was displayed on his personal mobile telephone.
28. He accepts the description of the photograph as depicting a woman with blonde hair, wearing underwear, naked from the waist upwards and facing away from the camera, with her face not visible.
29. He accepts that the image may properly be described as sexually provocative. He does not accept that it depicts sexual activity or genitalia.
30. PS Retvan accepts that it was inappropriate to use an MPS-issued telephone to photograph the image, both because of the nature of the image and because doing so breached the MPS ICT Systems Policy.
31. He accepts that his conduct in relation to the photograph taken on 19 February 2026 breached the Standards of Professional Behaviour alleged and amounted to misconduct. He denies that it amounted to gross misconduct.
32. He says of the taking of that photograph that:
- a) he photographed the image in order to retain it “for a brief period”;
 - b) he believed that Ms A would have consented to him doing so;
 - c) the photograph was taken at the very end of his shift;
 - d) within hours he deleted it from the camera roll and thereafter from the deleted items folder;
 - e) it could subsequently be recovered only by forensic examination of the MPS device; and

- f) he did not forward the photograph to any other device or person.
33. PS Retvan accepts that, in relation to this image, he breached paragraph 2.6.1 of the MPS ICT Systems Policy, insofar as that provision prohibits users from knowingly adapting, creating, displaying, downloading, copying, storing, transmitting or viewing material capable of harming the MPS's effectiveness or reputation or its officers and staff.
34. He denies that paragraph 2.6.3 of the policy was breached. His case is that, even if the photograph was sexually explicit or pornographic material for the purpose of that provision, it was not communicated to any individual or group of persons.
35. PS Retvan invites me either to dismiss the case or, pursuant to regulation 62(8), return it to the Appropriate Authority to be dealt with under Part 4 of the Conduct Regulations.

Evidence

36. I was provided in advance of the hearing with a hearing bundle of 80 pages. I read that material before the hearing. That material included:
- a) the Special Case Certificate signed by Commander Daniel Ivey on 12 August 2026;
 - b) the Regulation 51 and 52 notice;
 - c) the investigation report of DC Kevin Newton dated 2 August 2026;
 - d) PS Retvan's MG14 written response dated 13 July 2026;
 - e) material obtained through Lawful Business Monitoring ("LBM"), including the two images which form the subject matter of the allegation;
 - f) the witness statement of Joshua McLean, Intelligence Researcher within the Digital Exploitation Team, dated 4 June 2026;
 - g) the MPS Smartphone Conditions of Use, version 4.3; and

h) the MPS Use of Met ICT Systems SOP.

37. I was additionally provided on behalf of PS Retvan with material including:

a) his Regulation 54 response dated 7 September 2026;

b) a witness statement of PS Retvan dated 4 September 2026;

c) a statement and character reference from Ms A dated 9 September 2026;

d) 84 character references; and

e) Materials I shall collectively refer to as service record / commendations / PDR material.

38. I have considered all of the material provided to me. If I do not mention a piece of evidence in the below, that should not be taken as a suggestion that I have not considered it.

39. I have also considered the submissions made on behalf of the AA and PS Retvan and the legal advice provided by the LQA.

Lawful Business Monitoring

40. The proceedings arose from routine LBM activity conducted by the Digital Exploitation Team. On 26 March 2026, Joshua McLean conducted an audit of PS Retvan's use of an MPS-issued mobile telephone. Two images were identified.

41. The first was created at 22:37:07 UTC on 19 February 2026. It is a photograph of another mobile telephone displaying an image of a blonde woman, facing away from the camera and wearing underwear. Her face is not visible.

42. I have viewed that image. The woman is naked from the waist upwards. Although she is principally facing away from the camera, part of her breast, including a nipple, is visible. It is now agreed that the woman depicted is Ms A.

43. The second image was created at 20:43:26 UTC on 13 May 2025. It records a WhatsApp conversation between PS Retvan and Ms A.
44. The conversation includes Ms A saying that she was giving PS Retvan notice that she had “deleted everything”; PS Retvan asking whether he had upset her; Ms A responding with reference to “a few messages and a fumble”; and PS Retvan asking whether they could continue to communicate outside a work-related group chat.
45. The fact that PS Retvan created or transferred both images onto his MPS-issued telephone is admitted. The circumstances and significance of the two incidents are, however, different and I have considered them separately.

PS Retvan’s MG14 response

46. PS Retvan provided a detailed written account during the investigation on 13 July 2026.
47. In relation to the WhatsApp conversation of 13 May 2025, he explained that he and Ms A had exchanged consensual flirtatious messages. He had begun to withdraw from those exchanges because he felt guilty as a result of being in a relationship and became concerned that his change in manner might have upset Ms A.
48. He said that he retained the relevant exchange because he wanted a record demonstrating that their interaction had remained amicable and consensual and that Ms A was not upset by his conduct. His description was that, “given the current climate”, he wanted to protect himself.
49. In relation to the image of 19 February 2026, PS Retvan accepted that he and Ms A had subsequently begun flirting again and that she had consensually sent the photograph to his personal telephone by WhatsApp.
50. His account was that, in what he described as a temporary lapse of judgment, he used the camera on his MPS-issued telephone to make a copy of the image so that he could retain it briefly.

51. PS Retvan expressly recognised in that account that the photograph had been supplied using WhatsApp's "view once" facility. His explanation was that he understood Ms A to have used that facility because she knew that he was in a relationship, rather than because she objected to his retaining the photograph.
52. He said that he subsequently deleted the photograph because he recognised that it was inappropriate material to store on his work device, and believed that he had also removed it from the deleted-items folder.
53. PS Retvan further stated that he had never exercised line-management or supervisory responsibility over Ms A, that they had continued to enjoy a positive professional relationship, and that their personal relationship had not interfered with their professional responsibilities.
54. PS Retvan expressed embarrassment and regret in his MG14. He described the conduct as a contained incident and a genuine mistake. He referred to personal difficulties at the material time, accepted that his judgment and professional standards had slipped, and stated that he had learned from the matter.

Evidence of Ms A

55. Ms A provided a statement dated 9 September 2026. Her identity has been anonymised for the reasons set out above.
56. Ms A confirmed in that statement, the content of which was not disputed by the AA, that she has known PS Retvan for a number of years and regards him as both a colleague and friend. She confirmed that she sent the photograph on 19 February 2026 voluntarily and without any coercion. She stated that she had no objection to PS Retvan having photographed the image, was not concerned or bothered by his having done so and did not consider herself to have suffered any harm. She also provided detailed positive character evidence.
57. Of particular relevance to the issue which arose concerning the "view once" function, Ms A stated that she takes no issue with PS Retvan having made a copy of the photograph. She does not recall why she elected to send the image

using the “view once” facility. Her evidence did not extend to a suggestion that, at the time she sent the photograph, she contemplated or consented to additional copies being made.

MPS Smartphone Conditions of Use

- 58. The Smartphone Conditions of Use make clear that an MPS smartphone remains MPS property and that its use is controlled by the Use of MPS ICT Systems Policy. On receipt of the device, a user accepts the Conditions of Use and confirms that they have read, understood and agreed to the associated policies.
- 59. The Conditions explain that personal use is strictly limited and that officers remain accountable for activity attributable to their account and device.
- 60. They expressly provide that users must not “access, download and/or send obscene, racist, homophobic, defamatory or otherwise inappropriate material”.
- 61. The Conditions also make clear that the camera facility exists for work-related photographs and videos, including the capture of evidential material through approved processes.

MPS Use of Met ICT Systems SOP

- 62. I have considered the relevant provisions of the Use of Met ICT Systems SOP in force at the date of the 19 February 2026 incident.
- 63. Section 1.1.1 provides that the SOP applies to MPS personnel with authorised access to MPS ICT systems and equipment, including telephones and mobile devices.
- 64. Section 1.1.7 explains that MPS ICT equipment is publicly funded and accountable property provided to enable personnel to perform their policing and support duties.
- 65. Section 2.6.1 provides that a user must not knowingly “adapt, create, display, download, copy, store, transmit or view”:

- a) MPS information other than for official MPS purposes;
 - b) any material that could harm the MPS's effectiveness or reputation, or its staff and officers; or
 - c) malicious malware.
66. Section 2.6.3 deals specifically with language, conduct and material used when communicating with others. It provides that specified categories of material will be regarded as unacceptable when communicating with an individual or group, including material which is "sexually explicit or pornographic".
67. I have borne in mind the distinction between sections 2.6.1 and 2.6.3. Section 2.6.3 is expressed by reference to communication with another person or group. There is no allegation before me that PS Retvan sent or otherwise communicated the intimate photograph from the MPS device to another person. The mere creation or storage of the photograph therefore does not, without more, fall within the wording of section 2.6.3.
68. That does not determine whether the use of the device was otherwise contrary to the SOP. Section 4 makes clear that private use of MPS ICT is a limited concession rather than an entitlement.
69. Section 4.2.1 limits permitted personal use of MPS devices to specified forms of occasional telephony, Outlook email and basic non-transactional internet browsing, subject to the remaining conditions and restrictions.
70. Section 4.2.4.1 further provides that MPS telephony should be used for primary policing purposes and that personnel are ordinarily expected to use their privately owned devices for personal communications.
71. The policy therefore provides a broader basis upon which the admitted personal use of the camera and storage functions falls outside the permitted use of an MPS-issued device, irrespective of whether section 2.6.3 is engaged.
72. At the date of the 13 May 2025 incident, an earlier version of the Use of MPS ICT Systems Policy was in force. I have considered that version separately and

have not applied the February 2026 SOP retrospectively. Although the structure and some wording differed, the provisions material to this case were substantively the same: the policy applied to MPS-issued mobile devices, imposed personal responsibility for their use, treated such equipment as MPS property provided for policing purposes, and confined private use to a limited concession rather than a general entitlement

PS Retvan's Evidence at the Hearing

73. PS Retvan opted not to give evidence at the hearing.

Submissions and Legal advice

74. I received legal advice from the LQA before retiring to consider my findings. I was reminded that the burden of proving the case rested upon the Appropriate Authority and that the applicable standard was the balance of probabilities. I was advised to determine the case by reference to the allegation as pleaded and not to make findings of a materially different form of misconduct for which PS Retvan had not been given fair notice. In assessing the evidence, I was referred to *Dutta v General Medical Council*, and the discussion there of *Gestmin*, and advised to consider the evidence as a whole, giving particular weight where appropriate to contemporaneous material. In relation to the 19 February 2026 photograph, I was advised to distinguish carefully between whether the image was "intimate" and whether it was "sexual in nature"; that the statutory definitions in sections 66D and 78 of the Sexual Offences Act 2003 could provide useful analytical assistance by analogy, but were not definitions within the Conduct Regulations and do not bind my assessment; and that nudity or the exposure of a breast does not of itself establish that an image was sexual in nature. I was also advised to distinguish PS Retvan's knowledge of and conduct in circumventing the WhatsApp "view once" functionality from the separate question of Ms A's consent. In light of Ms A's uncontested evidence that she could not recall why the "view once" function had been selected, had no objection to PS Retvan having copied the image and did not consider herself harmed, I was advised not to make any adverse finding as to absence of consent unless satisfied of that fact on the balance of probabilities.

75. I was further advised to apply the MPS ICT policy in force at each applicable time according to its precise wording, distinguishing between provisions concerned with creating, copying or storing material and those concerned specifically with communicating material to another person. I was reminded that breach of an internal policy did not automatically establish breach of a Standard of Professional Behaviour or gross misconduct.
76. In considering the private context of the conduct, I was referred by analogy to *Beckwith v Solicitors Regulation Authority*, which emphasises that professional regulation does not extend without limit into a professional person's private life and that the conduct must have a sufficiently clear professional connection. I was therefore advised not to treat the consensual relationship, flirtation or sexual character of the communications as misconduct in themselves; the relevant professional connection was the deliberate use of an MPS-owned and publicly funded device, subject to professional conditions of use, to create and retain the material.
77. Finally, I was advised to proceed sequentially: first to determine the facts proved, then whether those facts breached either of the Standards alleged, then whether any breach amounted to misconduct, and finally whether it was so serious as to justify dismissal and therefore amounted to gross misconduct. In undertaking that assessment I was referred to the College of Policing *Guidance on Outcomes in Police Misconduct Proceedings* and to *R (O'Connor) v Panel Chair (Police Misconduct Panel)*, and advised to assess culpability, harm, aggravating features and mitigating features without double counting, while keeping personal mitigation distinct from the assessment of the seriousness of the misconduct itself.
78. I considered that advice together with the submissions advanced by the Appropriate Authority and those made on behalf of PS Retvan before reaching my findings.

Factual Findings

79. The burden of proving the allegation rests upon the Appropriate Authority. The applicable standard is the balance of probabilities.

80. I am required by regulation 61(15) to review the facts of the case and decide whether or not the conduct of PS Retvan amounts to gross misconduct. Regulation 61(16) states that I must not find that the conduct of PS Retvan amounts to gross misconduct unless (a) I am satisfied on the balance of probabilities that this is the case, or (b) PS Retvan admits it is the case.
81. I find the factual allegations in the regulation 51 notice proved, save that:
- a) I do not find the 19 February photograph to have been “sexually explicit”;
 - b) I do not find that section 2.6.3 of the ICT policy was engaged; and
 - c) Particular (v), insofar as it alleges that PS Retvan was on duty on 13 May 2025, is not proved.
82. A substantial part of the underlying conduct is admitted. I find that PS Retvan deliberately caused two items of personal material to be captured or retained on his MPS-issued telephone, namely:
- a) the WhatsApp conversation on 13 May 2025; and
 - b) the intimate image of Ms A on 19 February 2026.
83. Neither had a policing purpose. PS Retvan accepts that proposition in respect of both incidents and I find it proved.

13 May 2025

84. I find that the WhatsApp exchange was a private conversation between PS Retvan and Ms A. It concerned their personal relationship and was unrelated to policing.
85. The contents of the exchange were not themselves offensive, obscene or otherwise improper. The impropriety relied upon by the AA arises from PS Retvan’s use of an MPS-issued device to retain private material for his own purposes.
86. I accept PS Retvan’s stated reason for retaining the exchange was that he wished to preserve evidence that Ms A had not been upset by their earlier

flirtatious interaction. That explanation is consistent with the contents of the exchange itself. It does not, however, provide a policing purpose for using an MPS-issued device. The device was being used as a repository for private material relating to PS Retvan's personal circumstances.

87. The Regulation 51 notice alleges that both images were created while PS Retvan was on duty.
88. In relation to 13 May 2025, PS Retvan's written case is that he was off duty. It is clear from the evidence that PS Retvan was not on duty at the relevant time. I am therefore not satisfied on the balance of probabilities that particular (v), insofar as it alleges that PS Retvan was on duty when the 13 May image was created, is proved.
89. The MPS telephone remained MPS property and subject to the relevant Conditions of Use and ICT policy which I have described above, whether or not PS Retvan was on duty.

19 February 2026

90. I find that on 19 February 2026 Ms A consensually sent PS Retvan the photograph contained in the bundle through WhatsApp to his personal telephone.
91. While that image was displayed on his personal telephone, PS Retvan deliberately used his MPS-issued telephone to photograph the screen and thereby make a copy which could be retained after the original ceased to be available.
92. I find that PS Retvan was on duty, at the conclusion of his duty period, when he did so.
93. I received advice from the LQA that the descriptions 'intimate', 'sexual', 'sexually explicit' and 'pornographic' are not synonymous. In considering whether the photograph was sexual in nature, I was referred by analogy to section 78 of the Sexual Offences Act 2003, under which conduct is sexual where a reasonable person would regard it as sexual either because of its

nature, or because its nature may be sexual and its circumstances or purpose render it sexual. A similar analogy can be drawn from section 66D of the Sexual Offences Act 2003, which defines an intimate photograph as a photograph depicting:

- a) the person participating or engaging in an act which a reasonable person would consider to be a sexual act,
- b) the person doing a thing which a reasonable person would consider to be sexual,
- c) all or part of the person's exposed genitals, buttocks or breasts,
- d) the person in an act of urination or defecation, or
- e) the person carrying out an act of personal care associated with the person's urination, defecation or genital or anal discharge.

- 94. I find that the image is an intimate image. It depicts Ms A wearing underwear and otherwise naked above the waist. Her face is not visible, but part of a breast including a nipple is visible.
- 95. I accept that the image does not depict sexual intercourse, sexual touching or any other sexual activity. No genitalia are visible.
- 96. I do, however, find that the image is sexual in nature. I reach that conclusion from the image itself and its context. It was an intimate, partially nude photograph privately sent in the context of an acknowledged flirtatious relationship. PS Retvan himself accepts that it can properly be described as sexually provocative.
- 97. I have considered separately the AA's description of the image as 'sexually explicit'. I do not treat that expression as synonymous with either nudity or an intimate image. I do not consider the image to be sexually explicit.
- 98. I am satisfied that the only available inference from Ms A's use of the "view once" function was that PS Retvan knew that the image displayed on his personal telephone would ordinarily cease to be available after viewing. His use

of the camera on a second device was a deliberate means of creating a copy which would survive that technological restriction.

99. I distinguish that finding from the separate question of whether PS Retvan thereby acted contrary to Ms A's wishes or without her consent. Those are not the same proposition. I now have Ms A's evidence. She takes no issue with PS Retvan having made the copy and does not remember why she used the "view once" facility. She neither confirms nor denies whether, at the time, she consented to the making of such a copy.
100. In those circumstances, I make no finding that PS Retvan copied or retained the image without Ms A's consent or contrary to her wishes. Nor do I treat the "view once" feature as establishing any separate wrong against Ms A.
101. However, I find that in making the copy on his MPS device, PS Retvan exposed Ms A to the risk of others becoming aware of and viewing that photograph.
102. It remains relevant to the mechanics and deliberateness of PS Retvan's conduct: he consciously used a second, MPS-owned device to make a copy of an intimate image which would otherwise disappear. Its significance in this case is confined to that proposition.
103. PS Retvan's account is that he retained the photograph only briefly and subsequently deleted it, including from the deleted-items folder, after recognising that it was inappropriate material to hold on his work telephone. That account is supported by the evidence from the LBM examiners. I accept it.

Characterisation under the relevant Policies

104. I was advised by the LQA to consider the policy which applied at the material time and to apply its precise wording to the conduct proved. I have therefore considered separately the scope and effect of each policy provision relied upon rather than treating a general departure from policy as establishing every particular breach alleged

105. I am satisfied that PS Retvan used his MPS-issued device for purposes falling outside the permitted forms of personal use identified by the relevant ICT SOPs. Deliberately creating or retaining personal photographs and private conversations in this way was not one of the limited personal-use concessions.
106. I find that creating the 13 May 2025 WhatsApp screenshot was in breach of the then policy, being an unacceptable and non-permissible personal use of an MPS device.
107. In relation to the 19 February image, PS Retvan himself accepts that his conduct breached section 2.6.1. I agree. He knowingly created and stored personal intimate material on the MPS device in circumstances capable of affecting the reputation of the MPS and its officers if the use became known.
108. I am not, on the evidence presented, satisfied that section 2.6.3 is itself engaged. That provision is directed to specified categories of unacceptable material when communicating with an individual person or group of persons. There is no evidence that PS Retvan communicated the intimate image onwards.
109. That the AA's reliance upon section 2.6.3 is not made out does not mean that the admitted use was permitted. The applicable Conditions of Use and the wider ICT SOP imposed separate and broader restrictions upon the personal use of the MPS device.

Standards of Professional Behaviour

110. Having made my factual findings, I turn separately to whether the conduct amounted to breaches of the Standards of Professional Behaviour alleged.

Duties and Responsibilities

111. The Standard of Duties and Responsibilities provides that 'Police officers are diligent in the exercise of their duties and responsibilities'. The Standard of Discreditable Conduct provides that 'Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

112. I was also advised that professional regulation does not extend without limit into every aspect of an officer's private life. By analogy with *Beckwith v SRA* [2020] EWHC 3231 (Admin), private conduct must be qualitatively relevant to the professional standard relied upon and must demonstrably engage either the officer's professional responsibilities or the standing of the profession. I have applied that approach when considering the private nature of the relationship and communications in this case.
113. In relation to 19 February 2026, PS Retvan admits that his conduct breached this Standard. The factual basis for that admission is clear: he deliberately used MPS equipment for a private purpose outside the permitted personal-use concessions and to create and retain an intimate image which he himself recognised ought not to have been stored on his work device.
114. The 13 May 2025 screenshot requires separate consideration. A breach of an internal policy does not necessarily, without more, establish misconduct or a breach of a Standard of Professional Behaviour. However, I am satisfied that the officer deliberately used MPS equipment for a private purpose outside the permitted personal-use concessions, in clear and deliberate breach of the relevant policy and that in so doing he breached the applicable standard.

Discreditable Conduct

115. In considering this Standard I assess the conduct actually proved. In particular, I will not proceed on the basis that PS Retvan copied Ms A's intimate image without her consent; for the reasons given above, that proposition is not established by the evidence.
116. The Standard requires consideration of the effect which the officer's proven conduct is capable of having upon the reputation of the police service and public confidence in it.
117. I am satisfied that the officer's conduct in this case is so capable. The conduct amounted to knowing misuse of an MPS publicly funded device to create and retain copies of private information for non-policing purposes. The conduct

amounts to a breach of the public trust in the police and would corrode the high standing in which officers are kept.

Severity

118. Having found that PS Retvan breached the Standards of Professional Behaviour relating to Duties and Responsibilities and Discreditable Conduct, I must determine whether those breaches are so serious as to justify dismissal and therefore amount to gross misconduct.
119. On behalf of the AA, Mr Lee submitted that the conduct crossed the threshold into gross misconduct. The AA placed greater emphasis on the 19 February 2026 incident in which PS Retvan had been sent an intimate image using WhatsApp's "view once" facility and had deliberately used his MPS-issued telephone to preserve a copy which would otherwise have ceased to be available. The AA's submission was that this was a conscious decision made for PS Retvan's own personal purposes: rather than allow the image to disappear in accordance with the functionality through which it had been sent, he chose to retain it by using police equipment.
120. The AA further relied upon the fact that the conduct occurred while PS Retvan was on duty and submitted that he had placed his own interests above the rules governing the proper use of an MPS device. Mr Lee stressed the high standards properly expected of police officers and submitted that the deliberate use of publicly funded police equipment in those circumstances was sufficiently serious to undermine public confidence and justify dismissal. The AA therefore invited me to find that the conduct amounted to gross misconduct, notwithstanding the absence of onward dissemination and the personal context in which the image had originally been sent.
121. On behalf of the Officer, Miss Hill submitted that the conduct amounted to misconduct rather than gross misconduct. She submitted that the 13 May 2025 incident amounted, at most, to a breach of the ICT policy arising from personal use of an MPS device and was not sufficiently serious to breach either Standard of Professional Behaviour. Her principal submissions therefore concerned the 19 February 2026 image. She characterised that conduct as a single, short-

lived and serious error of judgment: PS Retvan deliberately captured the image, but the act was neither planned nor targeted, involved no dishonesty, abuse of position, improper exercise of police powers or malicious purpose, and the image was deleted shortly afterwards from both the camera roll and deleted-items folder. She submitted that the image, although sexually provocative, was at the lower end of material capable of being described as sexual in nature; it had been sent voluntarily by a consenting adult, was never forwarded or shown to anybody else, and was recovered only through Lawful Business Monitoring and subsequent forensic examination.

122. Miss Hill further submitted that the factors identified in the Guidance as capable of making data misuse particularly serious were largely absent: there was no secret or highly classified police information, onward disclosure, malicious motive, material personal gain, compromise to an investigation, alteration of police information or attempted concealment of improper access. She relied particularly upon the absence of harm. Ms A had confirmed that she sent the image consensually, could not recall deliberately selecting the “view once” function, did not object to PS Retvan having copied it and did not consider herself harmed. The image was retained only briefly and there had been no public dissemination or other demonstrated consequence. She accepted that public confidence was engaged, but submitted that the relevant observer was a properly informed member of the public aware of the whole factual context, who could recognise the conduct as a serious lapse without regarding dismissal as necessary.
123. As to aggravating and mitigating features, Miss Hill accepted that I could take account of the sexual purpose for which the image was retained, PS Retvan’s supervisory rank and the fact that more than one Standard was engaged, while cautioning against double counting because the Standards arose from the same underlying conduct. She submitted that deletion of the image was an attempt to correct the wrongdoing, and relied upon the conduct being confined to a brief episode, PS Retvan’s early admissions, genuine remorse, insight and acceptance of responsibility. She submitted that there was no evidence of any deep-seated attitudinal concern and relied upon his otherwise high standard of

service. Her ultimate submission was that the conduct, though plainly unacceptable and deserving of disciplinary action, fell short of the statutory threshold of conduct so serious as to justify dismissal. She therefore invited me to find misconduct only and return the matter to the Appropriate Authority under Regulation 62(8) to be dealt with under Part 4.

124. I received advice from the LQA on the assessment of seriousness. I was reminded that gross misconduct is defined by Regulation 2 as a breach of the Standards of Professional Behaviour so serious as to justify dismissal, and that the assessment is therefore one of degree. I was advised to follow the structured approach in the College of Policing *Guidance on Outcomes in Police Misconduct Proceedings*: first assess seriousness by reference to culpability, harm, aggravating factors and mitigating factors relating to the misconduct; then keep in mind the purposes of disciplinary action; and finally determine the appropriate outcome. I was referred to *R (O'Connor) v Panel Chair (Police Misconduct Panel)* [2025] EWCA Civ 27. In *O'Connor*, the Court of Appeal emphasised that the exercise is not a rigid or mechanical “tick-box” process, but equally that the decision-maker must properly analyse the seriousness of the misconduct, including culpability and harm, and explain why the conduct is assessed at the level found.
125. As to culpability, I was advised that intentional, deliberate, targeted or planned conduct will generally attract greater culpability than conduct producing unintended consequences, and that *O'Connor* expressly approved that approach. I was entitled to take account of the deliberate nature of PS Retvan’s actions, including that on 19 February 2026 he consciously used a second device to create a copy of an image which would otherwise cease to be available. I was also advised to remain faithful to the limits of my factual findings: I had not found non-consensual intimate-image abuse, coercion, dishonesty, abuse of position in the relationship with Ms A, onward dissemination or criminality, and those absences were relevant when calibrating culpability. I was further advised that PS Retvan’s rank was capable of being relevant because the Guidance identifies leadership responsibility and

the expectation of acting as a role model as potentially aggravating. In that regard I was referred to *Williams v Police Appeals Tribunal* .

126. On harm, I was advised to have regard to the evidence of Ms A which was not disputed, but to bear in mind that the concept of harm extends beyond tangible injury to an identifiable victim. The Guidance requires consideration both of actual harm and the risk of harm, including the effect upon public confidence if the circumstances became known. I was referred again to *Fuglers* and *O'Connor* for the proposition that the effect of misconduct upon the standing and reputation of the profession is an important consideration and that seriousness may lie in the risk of harm even where the risk does not ultimately materialise. I was therefore advised to consider separately the actual effect upon Ms A, any privacy or other risk created by placing the material on an MPS device, and the effect upon public confidence. At the same time, if I accepted that Ms A suffered no actual harm, took no issue with the making of the copy and that there was no onward dissemination, I was advised to say so and not artificially to construct victim harm which the evidence did not establish.
127. Finally, I was advised to identify aggravating and mitigating features without double counting. Potential aggravating matters included deliberateness, repetition, significant deviation from force policy, leadership responsibility and multiple proven breaches of the Standards, although two incidents separated by a period of months should not automatically be described as “sustained” conduct. Mitigating features relating to the misconduct itself could include early admissions, early steps to reduce harm, deletion of the image, absence of dissemination, genuine remorse, insight and acceptance of responsibility. I was specifically advised that PS Retvan’s otherwise exemplary career, commendations, testimonials and general good character were forms of personal mitigation and should not be used to reduce the seriousness of the misconduct itself. The assessment of seriousness had to be completed before those matters were considered at the separate outcome stage. Having undertaken that exercise, the ultimate question for me was whether the proven breach was so serious as to justify dismissal; if so, it amounted to gross misconduct.

128. In making a severity assessment, I have had regard to all of the circumstances of the case and the factual findings I have made. In particular:
- a) there is no evidence of onward dissemination of the intimate image;
 - b) Ms A takes no issue with the copy having been made;
 - c) the 13 May WhatsApp conversation was not itself improper in content;
 - d) the 13 May incident occurred while PS Retvan was off duty;
 - e) PS Retvan nevertheless deliberately used an MPS-issued device on two occasions for private purposes outside the permitted policy framework; and
 - f) the second occasion involved the deliberate creation and storage on police equipment of an intimate and sexual image.
129. I have had regard to the College of Policing's *Guidance on Outcomes in Police Misconduct Proceedings* ("the Guidance"). The Guidance requires a structured assessment of seriousness by reference to culpability, harm, aggravating factors and mitigating factors. It then requires the decision-maker to keep in mind the purposes of the misconduct regime before determining the appropriate outcome.

Culpability

130. PS Retvan bears full responsibility for the conduct. Neither incident was accidental. On each occasion he made a deliberate decision to misuse an MPS-issued device to create or retain personal material for a purpose which he knew had no policing connection.
131. The incident of 19 February 2026 is the more serious. PS Retvan knew that the photograph had been sent using WhatsApp's "view once" function and therefore that it would ordinarily cease to be available after it had been viewed. He consciously used a second device, belonging to the MPS, to create a copy which could be retained.

132. I have not found there to have been an abuse of position in PS Retvan's relationship with Ms A; he was not her line manager; the photograph had been sent to him consensually; and there was no onward dissemination. I do not treat the private or sexual character of their relationship as misconduct in itself.
133. Those matters might distinguish this case from one involving the non-consensual obtaining, retention or dissemination of an intimate image, but the misconduct with which I am concerned is centred on the use of the MPS device itself.
134. There remains a high degree of culpability in respect of both incidents.
135. PS Retvan was an experienced Police Sergeant. The policy restrictions upon the use of MPS equipment were clear. On 19 February he deliberately used that equipment to make and retain a copy of an intimate and sexual image which he accepts should never have been stored on his work telephone. That followed the earlier deliberate use of the same MPS device for a separate and wholly personal purpose in May 2025.

Harm

136. There is no evidence of actual harm to Ms A. She has made no complaint concerning PS Retvan's possession of the photograph, takes no issue with his having made a copy and there is no evidence that he shared it with anybody else. The image was deleted within a relatively short period. Although it remained capable of forensic recovery and was identified through LBM, I accept that PS Retvan had taken active steps to remove it from both the ordinary camera roll and the deleted-items folder.
137. Harm for the purposes of the Guidance is not, however, confined to injury suffered by an identified individual. Public confidence and the standing of policing are also material, whether or not the conduct was publicly known at the time. The Guidance states at that a factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.

138. In considering harm, I have concluded that:

- a) I am not satisfied that a member of the public aware of the facts of this case would consider the taking of the 13 May 2025 screenshot deplorable such that the conduct would significantly harm public confidence. There was a clear breach of policy and standards. However, the personal use of the MPS device bore no additional features which would concern a member of the public. The screenshot was anodyne and inoffensive in nature.
- b) A member of the public aware of the circumstances of the 19 February 2026 image, however, would be extremely concerned. The conduct amounted to knowing misuse of an MPS publicly funded device. The nature of the content created on the device was intimate and sexual in nature. The conduct amounts to a clear breach of the public trust in the police and would corrode the high standing in which officers are kept. I consider the harm from this conduct to be high.

139. Members of the public are entitled to expect officers, and particularly supervisory officers, to exercise sound judgement in their use of publicly funded police equipment. There would in my judgment be a real adverse effect upon public confidence if it became known that a serving Sergeant had deliberately used an MPS as a repository for private material in this way, even temporarily.

140. There was also a foreseeable privacy risk created by placing such an image onto an MPS device. The applicable policies made clear that MPS systems were subject to monitoring and that users could have no expectation of privacy. Officers well know this. That risk in fact materialised in the limited sense that the image became available to those conducting lawful monitoring and the subsequent misconduct investigation. The image has been viewed by investigators and features in the bundle I have seen. I do not equate that with onward dissemination to the public or colleagues generally, but it is relevant to the seriousness of using a corporate device for material of this nature.

141. I accordingly assess the harm principally as reputational harm and risk to public confidence as high, in relation to the 19 February 2026 image. In respect of the 13 May 2025 image, harm is lower.

Aggravating features

142. I have been careful not to double count matters already taken into account when considering culpability and harm. The Guidance identifies, amongst the potentially aggravating features, repeated behaviour, significant deviation from force policy and leadership responsibility where there is an expectation of acting as a role model.
143. I identify the following aggravating features:
- a) conduct taking place while on duty;
 - b) the use of the MPS device was not confined to one isolated occasion. There were two separate incidents, approximately nine months apart;
 - c) the conduct represented a deliberate departure from the restrictions governing the personal use of MPS equipment; and
 - d) PS Retvan held the rank of Sergeant. His supervisory responsibilities carried an enhanced expectation that he would model appropriate standards of judgment and use of police resources.
144. I accept the submission made on behalf of the officer that PS Retvan's deletion of the image taken on 19 February 2026 was more likely an attempt to correct the wrongdoing rather than conceal it. I do not consider the deletion to be evidence of concealment which might otherwise aggravate.

Mitigating features

145. The Guidance distinguishes factors which reduce the seriousness of the conduct from purely personal mitigation. Relevant mitigating features can include early admissions, genuine remorse, insight and acceptance of responsibility.

146. I take into account at this stage that:

- a) PS Retvan admitted from an early stage that he had used his MPS device to create or retain both items;
- b) he accepted that neither use had a policing purpose and that both were contrary to the relevant restrictions governing use of the device;
- c) in relation to 19 February, he accepted that his conduct breached the Standards of Professional Behaviour and amounted to misconduct;
- d) he deleted the intimate photograph and did not disseminate it;
- e) he has expressed embarrassment and remorse;
- f) he has demonstrated insight into why the 19 February conduct was inappropriate and why personal material of that nature should never have been placed on an MPS device; and
- g) there is no evidence that the conduct has been repeated since these events.

Overall assessment of seriousness

147. I have weighed those matters anxiously.

148. I do not consider the 13 May 2025 conduct to amount to gross misconduct when considered individually. The Officer breached the applicable policies, seriously so, but to the extent that this may be considered misconduct alone. The harm in respect of that incident is significantly lower due to the nature of image retained.

149. I consider, however, that the second incident does cross the threshold into gross misconduct. The 19 February incident involved an experienced Sergeant, while on duty, deliberately using publicly funded police equipment to preserve an intimate and sexual image from his personal telephone, knowing that the image would otherwise disappear after viewing. It was conduct which he himself recognised shortly afterwards was inappropriate for a work device. It was

preceded by another deliberate use of the same MPS device to retain private material for a personal purpose. I have taken the earlier May incident into account as relevant context and repetition, but my finding of gross misconduct does not depend upon aggregating the two incidents.

150. Notwithstanding the substantial mitigating features, I am satisfied that the 19 February 2026 conduct constituted a serious departure from the standards sufficient that dismissal would be justified. I therefore find that PS Retvan's conduct amounts to gross misconduct.

Disciplinary Action

151. Having made that finding, I have considered disciplinary action separately.
152. I heard further submissions from Mr Lee on behalf of the Appropriate Authority and from Miss Hill on behalf of PS Retvan as to disciplinary action. I also received further legal advice from the LQA.
153. Mr Lee submitted that there were no exceptional circumstances capable of displacing the consequence prescribed by Regulation 62(1). He accepted that there was substantial mitigation before me, including PS Retvan's lengthy service, the very considerable body of character evidence, his commendations and professional contribution, his admissions, remorse and insight, together with the absence of dissemination or demonstrated harm to Ms A. His submission, however, was that those were forms of mitigation commonly encountered in professional disciplinary proceedings and did not, whether individually or cumulatively, amount to circumstances sufficiently exceptional to justify retaining an officer whose conduct I had already found sufficiently serious to justify dismissal. He relied upon the importance of public confidence, the deliberate character of the conduct, PS Retvan's supervisory rank and the fact that the use of the MPS device was not confined to a single occasion.
154. On being asked by the LQA to address me on any authority relating to the application of the "exceptional circumstances" threshold, both parties referred *Mohindru v Bar Standards Board* [2026] EWHC 1604 (Admin). There, in a

different disciplinary context and in respect of a different exceptional circumstances test, Johnson J observed that:

[45] "...what amounts to exceptional circumstances is not prescribed, all cases depend on their particular facts, and it is always necessary to "keep in mind the purpose for which sanctions are imposed."

155. Mr Lee submitted that *Mohindru* did not establish that extensive personal mitigation, even of an impressive kind, was sufficient of itself to amount to exceptional circumstances. The test had to be applied in light of the three-fold purpose of these proceedings.
156. Miss Hill invited me to find exceptional circumstances and to impose a final written warning rather than dismissal. She relied upon the combination of the nature and limits of the misconduct and PS Retvan's personal mitigation. She emphasised that I had made no finding of non-consensual intimate-image copying, abuse of position, coercion, dishonesty, criminality or onward dissemination; that Ms A did not consider herself harmed and took no issue with the copy having been made; that the image was deleted; and that PS Retvan had made admissions, demonstrated remorse and insight and presented no identified risk of repetition. She relied additionally upon his approximately 18 years of otherwise distinguished service, his commendations for bravery and professionalism, his contribution to policing and the community, and the unusually extensive and consistent body of character evidence submitted on his behalf.
157. The LQA advised me that the purposes of disciplinary action are to maintain public confidence in and the reputation of the police service, uphold high standards and deter misconduct, and protect the public: the three-fold purpose to which I refer above. Their purpose is not punitive. I was referred to *O'Connor*, *Salter v Chief Constable of Dorset* [2012] EWCA Civ 1047 and *Williams v Police Appeals Tribunal* [2016] EWHC 2708 (Admin). Personal mitigation must genuinely be considered, but *Salter* establishes that its potential weight is necessarily limited by the importance of public confidence; *Williams* confirms that principle is not confined to dishonesty cases; and *O'Connor* confirms that

an outstanding record of service does not retrospectively reduce the seriousness of misconduct, although it remains relevant at the separate outcome stage.

158. I was further advised that, because this conduct matter came to the AA's attention after 28 May 2025, the amended Regulation 62 applied. The consequence of a finding of gross misconduct is therefore dismissal without notice unless I am satisfied that exceptional circumstances justify either a final written warning or reduction in rank. I was advised that the expression is not defined and that there is currently no binding appellate authority construing the amended provision exhaustively. I was referred to *Salter*, in which the Court of Appeal emphasised the need to identify the features which justify departing from the usual course, and to *R (Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2025] EWHC 3018 (Admin), where Swift J described exceptionality as the dividing line between gross-misconduct cases resulting in dismissal and those exceptional cases in which a lesser outcome is imposed.
159. The LQA also advised me that I should not equate "exceptional circumstances" with substantial mitigation. Equally, I should not treat the statutory test as irrebuttable or apply an artificially rigid rule excluding personal mitigation from consideration. I was referred to *R (Commissioner of Police of the Metropolis) v Police Appeals Tribunal* [2022] EWHC 1951 (Admin), in which an exceptional outcome was upheld by reference to the combination of the particular circumstances of the misconduct, a stellar career and the officer's contribution to public confidence. The proper approach was to consider all potentially relevant circumstances individually and cumulatively in light of the three-fold purpose and decide whether their combined effect was sufficiently out of the ordinary to justify departure from dismissal.
160. I have had regard to the Guidance, PS Retvan's record of police service, the documentary material relied upon on his behalf and the submissions made by both parties.

Purpose of disciplinary action

161. The Guidance identifies the three-fold purpose of police misconduct proceedings as maintaining public confidence in and the reputation of policing, upholding high standards and deterring misconduct, and protecting the public. It also makes clear that misconduct proceedings are not primarily punitive.
162. In this case, protection of the public from direct physical harm is not a significant consideration. The first two purposes are, however, directly engaged. The public must be able to have confidence that police officers entrusted with police systems and equipment, particularly those holding supervisory rank, will observe the restrictions governing their use. An outcome must also make clear to other officers that MPS equipment is not available as an alternative means of retaining private intimate material which an officer wishes to preserve.

Personal mitigation

163. I have considered PS Retvan's personal mitigation only after reaching my assessment of the seriousness of the misconduct. The weight that can be given to personal mitigation depends on the extent to which the misconduct imperils the public confidence
164. PS Retvan has approximately 18 years' police service. I have taken account of his record of service, the extensive character evidence submitted on his behalf and the evidence of the contribution he has made to policing. I have read each of the 84 character statements submitted on his behalf. I accept that the number of references is significant, though not unique. I accept that PS Retvan is a well-respected and accomplished officer who has dedicated his career to service and support.
165. In particular, I have taken account of his commendations for bravery and professionalism, his work in support of humanitarian relief following the earthquakes in Turkey and Syria, his Royal Humane Society commendation, his work on Operation Pisces, his strong performance record and the evidence that he has been trusted with, or considered suitable for, further supervisory responsibility.

166. Those are substantial matters to his credit. I have also taken account of the personal difficulties which he described as affecting him at the material time and of the impact which dismissal will inevitably have upon him.
167. I remind myself, however, that personal mitigation carries necessarily limited weight in professional disciplinary proceedings because of the importance of maintaining public confidence in policing.

Regulation 62 and exceptional circumstances

168. The conduct matter came to the attention of the Appropriate Authority after 28 May 2025. The 2025 amendments therefore apply.
169. Regulation 62(1), as amended, provides that where gross misconduct is found at an accelerated misconduct hearing, the disciplinary action must be dismissal without notice, unless I am satisfied that there are exceptional circumstances which justify either a final written warning or reduction in rank.
170. I have considered anxiously the three-fold approach and the aims expressed by the College of Policing.
171. I have considered whether the matters relied upon on PS Retvan's behalf, individually or cumulatively, amount to exceptional circumstances justifying a departure from dismissal.
172. I have given significant weight to the officer's long and otherwise positive service, his commendations, his contribution to the MPS, his character evidence, his admissions, his remorse and insight, the absence of harm to Ms A, and the absence of dissemination.
173. Those matters are substantially to the officer's credit, but taking them separately or taken together, I do not find such exceptional circumstances.
174. The matters relied upon distinguish this case from more serious forms of intimate image misconduct such as non-consensual images, or images of an extreme nature. They also demonstrate that the conduct was markedly out of character. However, those circumstances are far from exceptional. This was a

materially more serious departure than the 13 May 2025 incident; the incident involved a junior officer; intimate material; and was only uncovered as a result of monitoring rather than self-declaration.

175. The significant volume and strength of the character evidence reinforce the quality of PS Retvan's previous service, but the number and quality of references does not alter the character of what remains personal mitigation. It is difficult to envisage a case in which the volume or quality of character evidence could, alone or predominantly, give rise to exceptional circumstances. I do not exclude the possibility. This is not such a case.
176. The disciplinary action I impose is therefore dismissal without notice.

Remittal

177. In light of that decision, I do not remit the allegation relating to the 13 May 2025 screenshot to Part 4.
178. For completeness, I record my separate finding that the conduct of 13 May 2025 amounted to misconduct but not gross misconduct. I take no separate disciplinary action in respect of that finding. The disciplinary action of dismissal without notice follows from, and is imposed by reason of, my finding of gross misconduct in respect of the conduct of 19 February 2026. To the extent necessary, I would dismiss that part of the allegation pursuant to Regulation 62(8).

Publication

179. I require the AA to publish this report pursuant to regulation 63(5).

Right of appeal

180. PS Retvan has a right of appeal to a Police Appeals Tribunal. Under rule 9 of the Police Appeals Tribunals Rules 2020, notice of appeal must ordinarily be given before the end of 10 working days beginning with the first working day after the day on which he is first supplied with a written copy of this decision.

Brigid Beehag-Fisher
Commander

21 September 2026