

Notice of Outcome of Police Misconduct Hearing (Regulation 43 Police (Conduct) Regulations 2020)

Officer Concerned – Former Officer – Mr T

Date of Hearing – 5th to 8th August 2024

Name of Person Chairing – Mr Maurice Cohen

Assessor – Detective Superintendent Mark Bedford

Independent Panel Member – Margie Leong

[The Decisions of the Hearing](#)

Allegations: Below

Allegation: Authority, Respect and Courtesy, Equality and Diversity

Finding: Proven

Outcome: Would have been dismissed without notice if still serving

[Introduction](#)

The appropriate authority was represented by Ms Gillian Crew. Mr T was not present and was not represented.

The panel had been provided with a hearing bundle comprising 126 pages together with what is referred to as a regulation 31 response but which actually comprises a letter from Mr T's former representatives and medical information and a character reference bundle comprising 38 pages. Included in the hearing bundle are witness statements from PC George Drutu; PC Hamza Zafar; PC Guy Bean; PC Nathan Sahota; PCSO Denzil Riley; PCSO Douglas Waterman and PC Will Klesel. Additionally included in the bundle are Mr T's statement under caution (form MG 14) and misconduct interview record. The panel had been provided with a bundle of character references for Mr T.

The Appropriate Authority's (AA) notice under Regulation 30 of the Police (Conduct) Regulations 2020 alleges that Mr T engaged in conduct that breached the Standards of Professional Behaviour relating to:

- Authority, Respect and Courtesy to the extent that the language and tone was impolite, inappropriate and offensive.
- Equality and diversity in that it was racially and sexually discriminatory.

The facts alleged against the officer are that:

1. On the 11th of August 2022 whilst in the police minivan Mr T is alleged to have said, "On Sunday we've got Paki day". Mr T has then paused and said, "Er Pakistani independence day".

2. On the 11th of August 2022 whilst in the police minivan Mr T is alleged to have spoken in a sexually derogatory manner about a local female councillor, Ms B. Mr T is alleged to have said that after a meeting with her, he should have told his partner he was working late so he could be with her. It is also alleged that Mr T has also said that "she fancies a bit of him", that "she likes uniform" and he would "like to bend her over".

3. On the 14th of August 2022 at Little Ilford police station, Mr T used the words "Paki Independence Day".

The AA contend that the conduct set out above, individually and collectively and the consequences of it constitutes a breach of the Standards of Professional Behaviour set out in Schedule 2 to the police (conduct) regulations 2020 (regulations) to which all police officers must adhere. The breach has been assessed as amounting to gross misconduct. Because of this assessment, dismissal from the Metropolitan Police Service would be justified.

Background

Mr T has been employed by the Metropolitan Police Service (MPS) since 5 November 2012 when he joined as a member of the Special Constabulary. On 3 June 2013, he became a Designated Detention Officer before becoming a full-time Police Constable (PC) on 26 May 2015.

Mr T was posted as an Acting Police Sergeant (APS), based at the Little Ilford Safer Neighbourhood Team base at the time of the allegations.

The allegations occurred in the run up to a local event celebrating Pakistani Independence Day due to take place on 14 August 2022.

On 11 August 2022, Mr T was driving a minibus with his team and is alleged to have referred to the impending event as "Paki Day" and "Paki Independence Day".

In addition to the above, also on 11 August 2022, Mr T is said to have referred to a local female councillor, who had attended the same school as him in sexualised and demeaning terms. Mr T is alleged to have stated that he would "like to bend her over" and that "she fancies a bit of him".

On 14 August 2022 being the day of the Pakistani Independence Day event, Mr T is alleged to have again referred to "Paki Independence Day", on this occasion before PC Guy Bean (PC Bean).

The comments in the minibus were overheard by PC George Drutu (PC Drutu) who reported the matter on 24 August 2022 to PS Jim Bushell. The latter completed a referral form which was sent to the Directorate of Professional Standards (DPS) on 28 August 2022.

In his first witness statement, PC Drutu indicated that Mr T told his team that he had previously been “stuck on “in the past, which he understood to mean that he had been reported for previous misconduct. Mr T advised the team that if they had anything to say about his conduct, they should speak to him directly. He additionally advised that if he was to, “lose his shit” on the street with members of the public then they were to pull him to one side and tell him to calm down.

PC Drutu goes on to state that on 11 August 2022 he and his team were on a minibus driven by Mr T. He indicates that whilst driving a conversation was started by Mr T in respect of their upcoming duties. He states that Mr T said, “on Sunday, we have Paki day” and then corrected himself and said, “Er, Pakistani Independence Day”. PC Drutu states that he felt the correction was only made for comedic value and that Mr T did not apologise for his use of the word, “Paki”. PC Drutu states that he was upset by the use of the word, “Paki” and that he observed that PC Zafar, who is of Pakistani origin, appeared to look offended by what had been said and looked at Mr T who did not respond. PC Drutu indicated that he shared looks with others on the minibus, whose expressions indicated that they had heard what had been said but who did not say anything to each other.

PC Drutu goes on to say that there was a conversation involving the local councillor, Ms B. Mr T indicated that he had had a recent meeting with Ms B of whom he said that, “she is quite fit” and “she is pretty” stating that he should have gone in uniform. PC Drutu says that Mr T did not comment on the contents of the meeting itself and only made the sexualised references.

PC Drutu indicates later in the conversation that Mr T said, “next meeting I’m going to have with her I’ll go in uniform and I tell my Missus I’m working late so I can be with her”. He added, “she fancies a bit of me” and that, “she likes uniform” and words to the effect that he would, “like to bend her over”.

PC Drutu in his statement indicates how the above comments made him feel and considered the comments to be sexualised and an inappropriate way to speak about women. He goes on to state that he was offended by Mr T’s various comments and decided that he would report the matter. He stated that he spoke individually to everyone on the minibus and that they too were of the opinion that the matter needed to be reported and a decision was made that PC Drutu would report the matter.

PC Drutu goes on to discuss matters which occurred on 14 August 2024 being Pakistani Independence Day but these matters did not form part of the allegations and we will not set them out further herein.

PC Bean in his witness statement describes a brief conversation with Mr T on 14 August 2022 outside Little Ilford Police Station ahead of imminent deployment at the Pakistani Independence Day aid event. He states that Mr T made comments along the lines of referring to it as, “Paki Independence Day”. He states that this comment immediately stood out. He immediately challenged Mr T and said, “you really can’t go around saying things like that, it’s not appropriate”.

PC Bean states that he has no memory of the alleged racially discriminatory comments made on the minibus, nor the derogatory comments about Ms B. He

states that he does not believe that the comment made by Mr T was a slip of the tongue.

In a further witness statement, PC Bean indicates that he had challenged Mr T at the time of the incident. He thought that was the end of the matter. However, in early September 2022, he discovered that a complaint had been made about Mr T in respect of other inappropriate comments he was alleged to have made. This prompted him to make contact with PS Sangha and led to him making his first witness statement.

PC Bean indicates that his relationship with Mr T was good and he had found him to be a fair and understanding line manager.

PC Zafar in his witness statement indicated that he was sat in the far-left back seat with PC Sahota on 11 August 2022. He did not recall hearing anything said by Mr T that was racially inappropriate or derogatory. He however indicates that this may have been because of the distance in the bus between him and Mr T and/or as a result of a hearing condition which means that he cannot hear conversations in noisy environments. He adds that no one on the minibus challenged Mr T. None of the team members approached him afterwards or mentioned anything about the incident.

PC Zafar however refers to being on the minibus on 12 August 2022 and heard Mr T say words to the effect of "fucking Pakistani Independence Day". He however stated that he did not take this comment to be racial in nature and felt that Mr T was purely venting his frustration as he was warned on late notice for this aid.

PC Klesel indicates that on the minibus on 11 August 2022, Mr T addressed the occupants of the bus with words to the effect, "we got Paki Independence Day coming up on Sunday". He states that almost as soon as he uttered the word, "Paki", Mr T hesitated and almost in the same breath altered the word to Pakistani. He could not remember if there was a response from anyone on the minibus to the comment. He did not challenge Mr T. He was unsure if the comment was intentional or an honest mistake or not.

PC Sahota has no recollection of Mr T saying anything untoward on 11 August 2022. On 14 August 2022 he recalls Mr T saying, "fucking Pakistani Independence Day", but took this to be purely venting frustration at a last-minute allocation of aid that would mean working into the night. He is of Pakistani heritage and did not take offence at the comment. In a further statement, he recalls Mr T making comments concerning Ms B indicating that, "she was fit" and "she wasn't bad".

PCSO Denzil Riley talked about hearing banter in the minibus which was common. He did not hear Mr T say anything untoward. He found Mr T to be a little excitable or slightly loud. He was a loud and jovial person. He indicates that PC Drutu indicated to him that he had to pull up Mr T in respect of something that he said at Pakistani Independence Day. He had said, "we'll see" in respect of what would happen.

PCSO Douglas Waterman indicates that he was on the minibus on 11 August 2022 and claimed events had been openly discussed with various parties offering

different dates and views in respect of what had occurred. He did not hear Mr T make any racial slur. Conversation in the minibus was loud and included good-natured banter. He recalled Mr T mentioning the local councillor and talking about a meeting he had with her previously. He recalled some banter concerning Mr T liking her and saying something about "being in with her". He did not take this to be sexualised or offensive. He had a conversation with PC Drutu in which he mentioned that he would, "get Mr T". He believed that PC Drutu had some work issues with Mr T. He described Mr T as being supportive and friendly as well as loud and opinionated. He felt it was unwise of Mr T to be quite so forthright on some of his views. He had opined in respect of homeless people as being lazy and that he wanted them gone which, PCSO Waterman found seem to lack compassion and empathy.

Other occupants of the bus on both occasions prepared witness statements but had little or no recollection of events.

Mr T was interviewed in respect of this conduct matters on Friday, 13 January 2023. In respect of the incident on 11 August 2022, he indicates that when he referred to Pakistani Independence Day, he took a slight pause, of not even a second, between, "Paki" and "stani". He states that people said, "what did you say", but he could not recall who. The conversation went on as normal thereafter. Mr T indicated that he speaks quite fast and had to take a breath while saying the word, although it was unfortunate in the circumstances. He got on quite well with PC Drutu, although he had been unhappy at being volunteered to move on to a response team being a decision made by Mr T. He indicated on 11 August that PCSO Waterman was sitting next to him in the front seat and he was driving.

During the course of the interview, it was put to Mr T that PC Klesel indicated that he had heard Mr T referring to "Paki Independence Day" and he responded that PC Klesel had misheard and he maintained that it was merely him taking a breath in the middle of the word Pakistani. He denied having any issues with any member of the team.

In respect of the sexualised comments, he indicated that he knew Ms B who he described as a "nice lady, she is quite nice". He was adamant that he would not disrespect a woman like that. He denied making any inappropriate comments. He accused PC Drutu of making up these accusations against him because of his unwanted move to the response team. He denied saying that Ms B was "fit" as reported by PC Sahota. He agreed to having said "fucking Pakistani Independence Day" because he had initially not wanted to work on this aid.

In respect of his interactions with PC Bean on 14 August 2022 he denied that these matters occurred at all and said there had been no conversation between him and PC Bean. He denied that PC Bean had challenged him about the comment. When he was asked why PC Bean would report this, he indicated that it was malicious and that he was friends with PC Drutu. He agreed to being outside with PC Bean smoking, but denied the content of the conversation as reported.



Preliminary Issue

Mr T was not present and was not represented. The panel heard submissions from Ms Crew in respect of service and proceeding in the absence of Mr T. Notice of the hearing was served on Mr T on 10 May 2024 and this was considered to give him more than reasonable notice. In respect of proceedings in the absence, it was considered that there was no adjournment request; Mr T had voluntarily absented himself from proceedings; no useful purpose would be served by adjourning as it was unlikely to secure Mr T's attendance on a future occasion and there was a strong public interest in proceeding expeditiously in this case. It was concluded that was fair and just to proceed in the absence of Mr T.

Hearing

The panel heard evidence from 6 live witnesses and from PC Klesel by way of video link.

PC Drutu in effect gave evidence consistent with his 3 witness statements. He had no axe to grind against Mr T. He had been moved into different roles, often at short notice on numerous occasions in his career and did not take exception to this. He was certain of what Mr T had said.

The panel heard evidence from PC Bean who was very clear in his evidence and again certain of what Mr T had said to him outside Little Ilford Police Station.

PC Zafar was less certain of his evidence. There were many matters that he indicated that he did not know or did not remember. The chair put to him that PC Drutu indicated that he had reacted when Mr T made reference to "Paki day" and he responded that he could not remember that. He did not state that it had not happened. This matter was investigated in some detail.

PC Sahota gave evidence but continually referred to his witness statement and notes and appeared reluctant to deviate therefrom.

PCSO Riley indicated that the team knew each other well and there was a heavy level of banter in the minibus. They tended to pull each others' legs. He did not hear Mr T make racist or sexualised remarks. However he was towards the rear of the van and was responsible for phoning contacts ahead and was therefore somewhat distracted.

PC Klesel gave clear evidence concerning Mr T having made the alleged racist remark and discussing matters with PC Drutu when asked and indicating that he would support him in proceeding with a complaint.

PCSO Riley gave evidence concerning Mr T's personality which he described as loud, a little bit excitable and flustered under pressure. He found PC Drutu somewhat arrogant and annoying.

Ms Crew made closing submissions to the panel. She made reference to her opening note.

The Legal Framework

Proceedings against a former police officer.

Mr T was a serving police officer when the allegations came to light. Regulation 4 (2) and (3) of the Police (Conduct) Regulations 2020 provide that the Regulations apply, subject to the modifications under Schedule 1, in circumstances such as this case, where an officer resigns after an allegation first comes to the attention of the AA and that allegation is assessed as amounting to gross misconduct.

The Regulations define:

“Misconduct means a breach of the standards of professional behaviour that is so serious as to justify disciplinary action.

Gross Misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.”

The Panel’s Task

The Panel’s task is to review the facts of the case. Then the Panel is required to determine whether the officer’s conduct amounts to misconduct, gross misconduct or neither. The Panel has borne in mind that the burden of proof rests with the AA throughout and that the officer does not have to prove anything. The standard of proof is the civil standard which is to say that the AA must prove that it is more likely than not that the officer behaved in the manner alleged, that doing so breached the standards of professional behaviour and that the manner of that breach is of such a nature or degree that it amounts to gross misconduct, misconduct or neither.

As the officer has now resigned, the outcomes and sanctions available are limited. Where the Panel finds that the conduct amounts to misconduct only, the Panel will record the finding and no further action can be taken.

Where the Panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action, or no disciplinary action. Where the finding is gross misconduct, and disciplinary action is imposed, the only disciplinary action available is a finding that the former officer would have been dismissed if he had still been a member of the police force. No other sanctions can be enforced. If the finding is gross misconduct but the Panel determines that dismissal is not justified, then no action will be taken and the gross misconduct would be recorded.

In determining all of these issues, the Panel has had regard to:

- the Hearing Bundle.
- the submissions made on behalf of the AA.

Findings of Fact, Misconduct/Gross Misconduct

The panel heard evidence from multiple witnesses in this case. It became evident that many of the witnesses recollections appear to have lapsed over time. The witnesses gave widely differing accounts of who was sitting where in the minibus and in particular, who was sitting next to Mr T when he was driving on 11 August 2022. The panel heard evidence that the team frequently travelled together on the minibus and in fact did so again on 14 August 2022. On each occasion, it was not unusual for them to disembark and then get back on the minibus, altering their seats and locations in the process. In the circumstances, the panel does not attach significant weight to these discrepancies and merely find that the parties have become confused both as a result of the passage of time and the fact that there were multiple variations of them sitting in different locations on the minibus within close proximity to the date of the allegations.

The panel makes the following observations in respect of the witnesses from whom it heard. PC Drutu gave very precise and thoughtful evidence. He was able to provide significant detail and nuance to the same. He clearly set high standards in respect of conduct and behaviour both of himself and others and regarded Mr T's conduct through the prism of that lens. The panel accepted his evidence that whilst he might not be best pleased concerning the proposed transfer at relatively short notice to the response team, that such a move was not uncommon to him and had occurred both previously and subsequent to the time of the allegations. The panel does not accept that Mr T's decision to transfer PC Drutu to the response team gave him cause to raise false allegations against Mr T. Fabricating such serious allegations would be a very serious matter and the panel found, having regard to PC Drutu's persona and attitudes that it would be something that would be completely against his character. The panel attached significant weight to the evidence of PC Drutu.

The panel found PC Bean to be a very straightforward witness with a clear recollection of events. He had no axe to grind against Mr T. The panel found his account of having immediately stood up to Mr T and challenged him but consider that to be the end of the matter until he heard about a similar incident which had been reported by PC Drutu, which led to him reporting the matter himself had a ring of truth. In these circumstances, the panel found PC Bean to be a credible witness and attached appropriate weight to his evidence.

PC Zafar was found to be a poor historian. It was noteworthy that when asked if he reacted to Mr T's comments in the vehicle he responded that he could not remember rather than that it had not happened. In these circumstances and noting that he claimed to recall little of events surrounding the allegations, the panel attached limited weight to his evidence.

PC Sahota appeared to have a limited recollection of events and appeared to want to stick doggedly to the evidence that he gave in his witness statement to which he frequently referred. Additionally, he made a rogue reference to events on 12 August 2022 which was not referred to by any other witness and indicated that he may have confused events and dates in his mind. In these circumstances, the panel attached

limited weight to his evidence.

PCSO Riley gave evidence in a straightforward manner. He was experienced and use to the banter that will take place on the minibus. He had heard discussions in respect of Ms B and of Mr T having his leg pulled in respect of him being attracted to her. He had not heard anything untoward sent by Mr T. However he conceded that he was at the back of the minibus and busy on his mobile phone as it was part of his responsibility to phone witnesses ahead of visits and so may not have given matters on the minibus his full attention. The panel accepted the evidence of PCSO Riley in this regard.

PC Klesel was regarded as being a straightforward witness who had a clear recollection of events. He recalled discussing Mr T's conduct with PC Drutu and his evidence was regarded as being consistent with that of PC Drutu. The panel attached appropriate weight to his evidence.

Finally, the panel heard from PCSO Waterman. He was also regarded as being a straightforward witness. However, during the course of his evidence it became clear that he was somewhat confused. He believed that he had been sitting in the front passenger seat because that was normally where he sat, but on reflection was not sure that he was sitting there at the date of the allegations. He also appeared to be confused about the day in question and appeared to be thinking about events on a different day. In these circumstances, the panel attached limited weight to his evidence.

The panel noted that Mr T chose not to participate in these proceedings. He did not give evidence before the panel or open himself up to the possibility of being cross-examined. The panel took this into account in making its findings.

The panel acknowledged that they have been provided with over 20 character references for Mr T from writers up to inspector level. They unanimously speak about his good character and sensitivity to Muslim colleagues during Ramadan. I think

Allegation 1

It is alleged that Mr T on 18 minibus on 11 August 2022 said, "On Sunday we've got Paki day". PC Drutu has given clear and detailed evidence concerning Mr T making these remarks and of other passengers on the minibus giving each other looks and of PC Zafar reacting to the same. Whilst other witnesses do not give a clear account of this having occurred, there is consistency on this and other occasions of Mr T having made a similar or identical reference. The panel puts the limited recollection of other parties down to a combination of memories fading over time and possibly of other witnesses wanting to avoid rocking the boat for personal reasons. The panel note that Mr T does not outright deny making this comment. He however attempts to claim that he speaks quickly and took a breath in the middle of the word Pakistani. The panel rejects that claim. It would appear to be a very odd place to take a breath. If this had occurred, the panel finds that Mr T, realising what he had said would have apologised to the team and explain what occurred. This however was not the case.

The panel have heard that there was banter on the minibus which was not

uncommon. PC Drutu gives evidence that when Mr T “corrected” himself, that he paused, in order to give comic effect. The panel find that Mr T made this remark and did so deliberately. Notwithstanding this conclusion, the panel finds that Mr T in making this remark was not deliberately acting in a racist manner, but, having regard to what witnesses have said in respect of his personality and character, that he was totally misguidedly making the remark for comic effect. This however does not denigrate the seriousness of the allegation found proved which is totally at odds with the high standards of behaviour expected of a serving Metropolitan police officer.

The remark was made whilst in the presence of 2 officers of Pakistani heritage who were liable to be offended by the same. Furthermore, Mr T and his fellow officers were working in an area with a significant Pakistani population. The comments are indicative of Mr T harbouring attitudes which are totally opposed to those within the MPS which are of equality and diversity.

Mr T’s comments are considered racially and otherwise discriminatory.

The panel finds that the comments were likely to and did cause offence and potential emotional harm to colleagues on the minibus and would cause significant offence to the general public, should they become known.

Allegation 2

Mr T is said to have made demeaning and sexually charged references in respect of Ms B, a local councillor. Again PC Drutu gives clear evidence concerning this allegation. Whilst he is the only witness to give direct evidence concerning the words used by Mr T, there is other evidence before the panel of a supportive nature of these comments having been made. Mr T in his interview indicates on multiple occasions that he regarded Ms B as being, “nice”. PC Sahota gives evidence in respect of Mr T indicating that Ms B was, “fit” and that “she wasn’t bad”. PCSO Riley indicates that there was banter in the bus and that Mr T’s leg was being pulled in respect of his relationship with and potential attraction to Ms B. In these circumstances, the panel finds the balance of probabilities that Mr T made the remarks being the subject matter of allegation 2.

The panel considers that the remarks made were sexualised and demeaning. They would be offensive to Ms B and to members of the public. They are indicative of Mr T harbouring attitudes towards women which are opposed to that held in the MPS being of equality and diversity. He is regarded as having breached the appropriate standard in respect of authority, respect and courtesy.

Allegation 3

PC Bean has given clear evidence in respect of Mr T saying words being the subject matter of this allegation. His evidence was detailed. The panel found his evidence, that he immediately challenged Mr T’s behaviour and considered that to be an end of the matter until he heard about the complaint being raised by PC Drutu had a ring of truth. The panel prefers PC Beans detailed and clear evidence

to the pure rebuttal made by Mr T. The panel having found this allegation proved, finds this to be further supportive of its findings in respect of Allegation 1.

Mr T's comments are considered racially and otherwise discriminatory.

The panel finds that the comments were likely to cause offence to colleagues and would cause significant offence to the general public, should they become known.

The panel having regard to the Police Conduct Regulations find that the Allegations found proved in Allegations 1, 2 and 3 breach the following standards:

Equality and Diversity :-

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Authority, respect and courtesy:-

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers, authority and respect the rights of all individuals.

The panel note that the code of ethics states that according to the Standard of Authority, Respect and Courtesy, an officer must ensure his behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public or policing colleagues. The comments made by Mr T and the manner in which he delivered them would offend all of these principles. The panel find that the comments would be perceived to be discriminatory.

In conclusion, the panel find that Mr T's conduct, found proved amounts to gross misconduct in that the breaches of the Standards of Professional Behaviour are so serious as to potentially justify dismissal.

Outcome

The panel heard submissions from Ms Crew on behalf of the Appropriate Authority who indicated in the light of the seriousness of the allegations found proved that dismissal was the appropriate sanction.

In considering outcome the panel has taken account of the College of Policing Guidance on outcomes in police misconduct proceedings (2023). The Panel has borne in mind that the purpose of police misconduct proceedings is threefold:

To maintain public confidence in and the reputation of the police service.

To uphold high standards in policing and deter misconduct.

To protect the public.

The panel adopted the “**Fuglers**” approach.

The Panel assessed the seriousness of the allegations found proved. The panel found culpability in this case to be high. Mr T’s actions were intentional and deliberate. His behaviour was repeated in respect of 3 distinct matters. His comments and views were totally contrary to the principles and policies of the MPS and ethos of a modern police service. They were both discriminatory and sexualised. He would have been aware that those views, if they became known, would have caused harm and have a significant negative impact on the public confidence in the Metropolitan Police Service and damaged the reputation thereof. The public would be shocked and appalled to find that a serving officer of the MPS could hold and express such harmful, detrimental, discriminatory and derogatory views and opinions.

The panel find that Mr T’s actions in the allegations found proved would harm public confidence in the MPS. Furthermore, the panel noted that PC Drutu expressed his shock and outrage that these comments were made. The panel find that Mr T’s actions had the potential to cause emotional harm to his colleagues.

In respect of aggravating features, the panel note that Mr T’s outburst was entirely unprovoked. There was no cause for him to make any comments, lest the disgraceful remarks made by him. His conduct was carried out whilst he was on duty. He was a relatively experienced officer, having been involved with the MPS since he was a cadet and had been a serving police officer for 8 years. He had a responsibility to lead by example. His subsequent conduct is therefore regarded as being more serious in the circumstances. Acts involving discrimination and sexualised behaviour are regarded as being more serious offences according to the guidance.

The panel found that there was mitigation including no previous referrals and extremely positive character references put forward in respect of Mr T’s previous conduct. Events took place over a relatively short period of time.

The panel noted in relation to the question of sanction that it is not meant to be punitive and that the least restrictive sanction should be imposed. The panel had regard to the College of Policing Guidance on outcomes in police misconduct proceedings in addressing the issue of sanction.

The panel notes that its powers in relation to sanction are limited by virtue of the fact that Mr T resigned from his position. Nonetheless, it has regard to Schedule 8 of the Policing and Crime Act 2017 which states: –

Duty to report dismissals etc to College of Policing

(1)The relevant authority must report a person to the College of Policing where—

(b)the person is a former member of a police force or a former special constable and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a member of a police force or a special constable;

The panel considers the gross misconduct found proved to be serious and undoubtedly undermines the reputation of the police service.

The panel had appropriate regard to the aggravating features which it has noted above together with the limited mitigation in this case.

In the light of the severity of the gross misconduct found the panel considered that had Mr T still been a serving member of the police service, the appropriate and proportionate sanction in this case would have been dismissal without notice. A final written warning would be totally inappropriate and disproportionate in the light of the seriousness of the allegations found proved in respect of Mr T and harm caused to the reputation of the Metropolitan Police Service as a whole and the public confidence in it. The Appropriate Authority is therefore directed to inform the College of Policing of this decision within 5 days of today's date.

There being no representations from either party regarding publication of the decision, the panel orders publication pursuant to regulation 36.