

Notice of Outcome of Police Misconduct Hearing

(Regulation 43 Police (Conduct) Regulations 2020) as amended by the Police (Conduct) (Amendment) Regulations 2024

Officer Concerned: PC Sina Bahmanyar

Date of hearing: 11th & 12th September 2024

Name of person chairing: Commander Jason Prins

Name of Panel Members: Mr John Vaughan and Ms Lorna Beckford
Non panel member: DR Lorna Tagliavini LQA

Allegation No 1:

On 16th December 2021 you were arrested for other matters and a search was undertaken. In the jacket kept in your police locker, officers found two pots of medication. One pot contained tablets of the drug Oxandrolone, and the other contained tablets of Stanozolol. Both drugs are anabolic steroids.

It is alleged that you had the two drugs for your own use, alternatively to supply to others.

Both drugs are subject to misuse, as you knew, and both are discouraged by MPS policy. Your actions, in so possessing those drugs and in light of the previous breaches of the Standards of Professional Behaviour of Orders and Instructions and Discreditable Conduct, found proven at a misconduct hearing held on 8th and 9th October 2019, breached the Standards of Professional Behaviour of:

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

Orders and Instructions: Police officers abide by police regulations, force policies and lawful orders.

BACKGROUND

On 16th December 2021, whilst on duty at Lavender Hill Police Station, the Officer was arrested for other matters and a search of his locker at the station was undertaken. In the jacket kept in the Officer's locker, officers found two pots of anabolic steroids. One pot contained tablets of the steroid Oxandrolone and the other contained tablets of Stanozolol. Both drugs are anabolic steroids and this was confirmed on testing as set out in the Streamline Forensic Report dated 24th February 2022 relied upon by the AA.

The Officer asserted that at around 9 a.m. on 16th December 2021 he arrived at the member's gym in Fulham he had decided to use before starting his shift. The Officer asserted the two pots had been sealed when he found them in the locker he habitually used at the gym, pulled off the plastic seal on one bottle, opened the lid, removed the cotton wool and smelt the tablets inside. The Officer stated he then put the two pots in the pocket of his jacket, put the jacket in the locker and then went to work out in the gym. Afterwards he left the gym and went to start his shift at Lavender Hill Police Station. The

Officer stated he believed, although was not certain, the pots contained steroids and was concerned they might be found by a child or other member of the public if he left them in the gym locker. Consequently, he decided to take them to the police station and seek advice from his line manager PS Long, as to how they should be disposed of.

The Officer asserted that when he arrived at Lavender Hill Police Station shortly before 10 a.m. he felt anxious as he was running late, and as a result he forgot he had possession of the two pots of steroids and did not remember them until his memory was 'jogged' at around 12 noon by the site of a colleague with a gym bag. The Officer asserted he then went down to collect the two pots of anabolic steroids to hand them over to PS Long. However, on the way down to his locker, he passed PS Long but did not want to have a conversation with him on the staircase, as he believed he might be overheard and subsequently teased by other officers based on his previous experience. However, when he reached his locker he changed his mind and decided to ask PS Long to accompany him to his locker, but before he could do so, he was arrested on an unrelated matter. Subsequently his locker was searched and the two pots of anabolic steroids were found in his jacket pocket.

When asked by a senior officer, DS Gavin Bolt, as to what he believed the pots to contain he answered 'Dunno what it is.' The Officer asserted that although he had admitted breaches of Standards of Orders and Instructions and Discreditable Conduct, these should be put into the context of his having returned to work only two days earlier after a four month leave of absence.

The Officer accepted he was aware of the MPS Substance Misuse Testing Policy which states under the heading:

[What about steroids?](#)

'The MPS directs that police officers and police staff must not use or possess androgenic-anabolic steroids (AAS) including designer steroids, prohormones and designer prohormones. Failure to adhere to this directive is likely to be considered gross misconduct.'

The drugs found in the two pots were subsequently tested and found to contain the anabolic steroids Oxandrolone, and Stanozolol and this was not disputed by the Officer.

The Officer admitted he had breached both of the Standards as alleged and accepted (as clarified by his legal representative at the misconduct hearing) these breaches individually and collectively amounted to misconduct, but denied they amounted to gross misconduct.

The Appropriate Authority (AA) accepted the Officer's admission of having the two pots of anabolic steroids in his possession, but asserted he had the intent to use them or to supply them to other persons, and that these acts individually or collectively amounted to gross misconduct. The AA asserted the Officer's intent could be inferred from:

- (i) the fact of his previous misconduct hearing in 2019, in which his breaches of Orders and Instructions and Discreditable Conduct for his use of prohormone supplements found to contain anabolic steroids, including Oxandrolone, albeit unknowingly, were found proven;
- (ii) his failure to report or hand them in as soon as he arrived to start his shift that morning;
- (iii) his failure to volunteer what he believed them to be when asked or provide other information that might support his claim of having found the two pots in a locker at his gym, and his failure to offer any plausible explanation for having possession of the two pots.

At the misconduct hearing held on 11th and 12th September 2024, the AA was represented by Ms Joanne Kane of counsel. The officer was represented by Mr Charles McCombe of counsel as well as having his federation representative PC Pablo Robins in attendance. The parties relied upon an agreed

(revised) hearing bundle of 132 digital pages. The AA also provided the Panel with a copy of the MPS Substance Misuse Testing Policy in effect in 2021.

Burden and Standard of Proof

The Panel was reminded by counsel for the parties, advised by the Legally Qualified Advisor and took into consideration, that the burden is on the Appropriate Authority to prove that the Officer behaved in the manner that is alleged and that in doing so he breached the Standards of Professional Behaviour; and that the manner of the breach is of such a nature or degree that it amounts to misconduct or gross misconduct.

The hearing was held in public except for a brief period, when it was agreed between the parties and accepted by the Panel it was appropriate to hear the Officer's oral evidence in private. The Panel heard oral evidence from the Officer but no other witnesses were called.

The Panel gave due consideration to the Standards of Professional Behaviour as set out in the Police (Conduct) Regulations 2020 as amended by the Police (Conduct) (Amendment) Regulations 2024 and the relevant Home Office Guidance. The Panel also reminded itself that the purpose of professional disciplinary proceedings is not primarily punishment but to protect the public and to maintain the high standards and good reputation of the Police Service.

The Panel's Findings of Fact

The Panel accepted the Officer's admission of his breaches of the Standards by his possession of anabolic steroids. The Panel went on to consider whether these breaches amounted to misconduct or gross misconduct. The panel keeps in mind the burden and standard of proof when making its findings and that there is no sliding scale according to the seriousness of the allegations of misconduct, although it is noted the more serious the consequences for the Officer for breaches of Standards that are found proven, the more cogent the evidence is required to be to support that finding.

The Panel finds on the balance of probabilities the following:

1. The Panel finds the Officer did not find these two pots of anabolic steroids in an empty locker in the member's gym in Fulham, but they had at all times been in the possession of the Officer for his own use.
2. The Panel finds the AA's allegation that the anabolic steroids were 'to use' by the Officer is not undermined by the absence of any drug testing of the Officer.
3. The Panel finds the AA has failed to establish the Officer intended to supply the anabolic steroids to any other person and finds the Officer's possession of two old, long unused and/or broken mobile phones did not support the AA's assertions in this respect.
4. The Panel finds the Officer knew the pots contained anabolic steroids. The Panel finds one pot contained the same drug the Officer had previously been found to have used, albeit unknowingly, by the earlier misconduct hearing Panel in 2019.
5. The Panel finds the Officer knew the MPS' policy on the possession and use of anabolic steroids by reason of the previous misconduct hearing, and admitted to the Panel he remained aware of the policy at the date the two pots of anabolic steroids were found in his jacket pocket on 16th December 2021.

6. The Panel finds the Officer knowingly took these two pots of anabolic steroids in to Lavender Hill Police Station on 16th December 2021.
7. The Panel finds the Officer had no intention of disclosing his possession of these two pots of anabolic steroids to any other officer at the station, although he had multiple opportunities to disclose his possession of these anabolic steroids on or immediately after his arrival.
8. The Panel finds the Officer gave no explanation for his assertion that he opened one pot of tablets, took out the cotton wool and sniffed the contents, despite his evidence that he had already formed the opinion the pots were likely to contain anabolic steroids and believed these might be illegal.
9. The Panel finds the Officer's response to the allegations made on his arrest and in his written response to caution in a Prepared Statement, failed to provide any specific information that may have supported his version of events i.e. the name and location of the gym where the two pots were found in a locker said to have been covered by a CCTV camera. Although the Panel accepts he was not expressly asked about the gym where he had found the anabolic steroids.
10. The Panel finds the absence of any CCTV footage from the gym where the Officer asserts he found the two pots does not undermine the AA's allegations as the Officer admits having possession of these anabolic steroids in breach of the Standards of Professional Behaviour as set out in the Regulation 30 notice.
11. The Panel finds the Officer could have asked PS Long when he encountered him on the staircase on his way down to his police locker for a quiet word in private, in order to disclose his possession of the two pots he suspected to contain anabolic steroids. The Panel does not find the Officer's explanation that he might be overheard and subsequently teased by colleagues to be credible.

The Panel finds the allegation of the Officer having possession of anabolic steroids for his own use to be proven and finds that the Officer's behaviour breached the Standards of Orders and Instructions and Discreditable Conduct.

The Panel reminded itself of the definition of misconduct i.e. a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action and the definition of gross misconduct i.e. a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal *Regulation 2 of the Police (conduct) Regulations 2020 (as amended)*.

The Panel had regard to the steps in considering seriousness referred to by Mr Justice Popplewell in *Fuglers LLP v Solicitors Regulation Authority* [2014] EWHC 179 (Admin) and whether the breaches amount to misconduct or gross misconduct. The Panel gave this issue considerable thought, and assessed the seriousness of the breaches of the Standards found proven as stated above by:

- (i) the officer's culpability for the misconduct
- (ii) the harm caused by the misconduct
- (iii) the existence of any aggravating factors
- (iv) the existence of any mitigating factors

The Panel finds the Officer is solely responsible for the misconduct, as he knowingly had in his possession two pots of anabolic steroids and deliberately took these with him to work at Lavender Hill Police Station on 16 December 2021 and failed to disclose them. The Panel finds the Officer was in a position of trust by reason of his employment as a police officer, although not as an officer of a higher rank or one in a particular role of trust.

The Panel finds the harm caused by the Officer's behaviour is to diminish the public's confidence in the ability of police officers to perform their duties in a manner that is free from the adverse effects on behaviour caused by the use of anabolic steroids.

The Panel considered that an aggravating feature was the Officer's disciplinary record and the findings of misconduct by a previous Panel in 2019 for breaches of the same standards as this Panel has found. The Panel finds the Officer deliberately concealed his possession of the anabolic steroids and took them into his place of work, although aware of the MPS policy towards such drugs.

The Panel finds the allegations of breaches of the standards of Orders and Instructions and Discreditable Conduct proven as gross misconduct.

Finding on outcome, including any aggravating or mitigating factors affecting the seriousness of the failures in standards

The College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings is a document that clearly sets out the stages of the decision-making process. We have applied those Guidelines and that process to our decision-making today and the process set out in *Fuglers LLP V SRA (2014) EWHC*.

The first stage of deciding on the outcome is to assess the seriousness of the conduct. The second stage is to keep in mind the purpose of the police misconduct regime. This has three elements: to maintain public confidence in and the reputation of the police service, to uphold high standards and deter misconduct, and to protect the public. The police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole. The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question. The Panel is aware of the importance of following the structured approach as set out in the CoP guidance.

We have started by assessing the seriousness of the conduct and have considered the harm caused by the Officer's actions; the culpability borne by the Officer for his actions; the existence of any aggravating factors and the existence of any mitigating factors. The Panel adopts its findings on these issues that have been set out above in the Panel's assessment of the seriousness of the breaches of the Standards found proven.

In considering the second stage and the protection of the public, the Panel also reminds itself of the MPS Substance Misuse Testing Policy Q&As which states:

The MPS directs that police officers and police staff must not use or possess androgenic-anabolic steroids (AAS) including designer steroids, prohormones and designer prohormones.

Tests have determined that the use of anabolic steroids can have a significant impact on mood and behaviour, such as heightened aggression, paranoid jealousy, extreme irritability, delusions, impaired judgment and anger, which could lead to episodes of violence. Behavioural changes brought about by the use of steroids also have the potential to adversely affect levels of public complaints, in relation to categories of incivility, oppressive behaviour and assaults...

It has been determined therefore that the taking of steroids is not conducive with being employed by the Metropolitan Police Service as a police officer or member of police staff.

Members of the Police Service are required to uphold high standards of conduct and the Panel find that allegations against the Officer are serious and had the potential to cause serious harm to the reputational standing of the MPS and national policing in general and undermine public confidence. In determining the most appropriate sanction open to the Panel, it considered first the imposition of a final written warning. The Panel had regard to the previous written warning, which had expired approximately eight months before the Officer was suspended in respect of these current breaches of Standards. The Panel finds the Officer has learnt few, if any lessons from the previous misconduct hearing and its outcome. The panel finds that a second written warning for similar behaviour would not act as a sufficient deterrent for the officer and other officers.

The Panel accepts there has been delay between the events occurring on the 16th December 2021 and the final hearing held on 11th and 12th September 2024. However, this delay has not impacted adversely on the quality of the evidence as the AA's case has been reliant wholly on the documentary evidence provided and the Officer did not seek to rely on the oral evidence of any witness other than himself. The Panel had regard to the employment history of the Officer and accepts the delay in concluding the misconduct hearing is likely to have caused him additional stress. However, these factors have limited weight when balanced against the public interest in maintaining public confidence for the police service and the serious impact that his behaviour could have upon the public confidence in policing.

We find that the necessary and proportionate outcome is dismissal without notice.

Decision on publication

The Panel heard representations as to whether the Panel's decision should be published. On receipt of this decision the parties are to agree within five working days the appropriate redactions and send to the panel for its approval for publication.