

# Accelerated Misconduct Hearing of Police Constable Muhammad Irfan P2522448 held on 17 September 2024

## Preliminary Issue

As Police Constable (“PC”) Muhammad Irfan has chosen not to attend the Accelerated Misconduct Hearing (“AMH”) today, my first decision is whether or not to proceed in his absence.

I am informed, and am satisfied, that the papers for today’s AMH have been served on PC Irfan in accordance with Regulation 51 of the Police (Conduct) Regulations 2020 (“Regulations”)<sup>1</sup> on 28 August 2024, and am satisfied that PC Irfan has therefore had sufficient notice. I note that, in any case, this has been confirmed by Federation Representative PC Ben Gilks, who is present and speaks on behalf of PC Irfan.

I note that there has been no Regulation 54 response from PC Irfan despite the fact that he was, on 12 April 2020, served with a notice under Regulation 17 informing him that allegations of misconduct had been made against him.

Regulation 57(3) sets out that when an officer does not attend he can be represented by a relevant lawyer or a police friend. I am satisfied that PC Irfan has been informed of the effect of Regulation 81(1) to (3) since this is set out within the Regulation 51 notice served upon him.

In light of the foregoing, I am satisfied that former PC Irfan has been informed of his right to be represented at this hearing, including by a “relevant lawyer” under the Regulations. I am also satisfied that, despite being aware of today’s hearing, he has chosen not to attend, though, as already noted, he is represented by PC Ben Gilks. Finally, I am satisfied it is in the public interest to proceed with the AMH today in PC Irfan’s absence in light of the significant importance afforded under the police misconduct regime to the speedy dispatch of accelerated proceedings.

## Breach Decision

I have been provided with the papers relating to PC Irfan’s case in advance of today’s hearing and have read them carefully.

I have listened to the case presented by Kelsey Stafford on behalf of the Appropriate Authority (“AA”). The allegation of misconduct against PC Irfan is that he breached the Standards of Professional Behaviour set out in Schedule 2 to the Regulations by being charged and convicted after trial on 26 July 2024 of engaging in non-

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<sup>1</sup> Reference to individual Regulations are accordingly to the *Police (Conduct) Regulations 2020*.

penetrative sexual activity with a girl 13-15 contrary to the Sexual Offences Act 2003. It is alleged that in being so convicted, PC Irfan has breached the standard of discreditable conduct. I have been provided with the certificate of conviction such that I am able, on the papers before me, to find as a fact that PC Irfan has been convicted to be incontrovertible.

As to the circumstances giving rise to those convictions, I have been provided with a brief summary of the same in the Investigation report for these proceedings.

I remind myself that the burden of proof is on the AA and that the standard of proof is “on the balance of probabilities”. In light of PC Irfan’s conviction, I am wholly satisfied that he has breached the Standards of Professional Behaviour as set out in Schedule 2 to the Regulations. In particular, I am satisfied that his behaviour amounts to Discreditable Conduct: the details of the behaviour he engaged in towards the young victim, his arrest and, finally, conviction after trial in the Crown Court on a Not Guilty plea, undoubtedly brings the police service into disrepute and threatens serious damage to the relationship of trust and confidence between the police and the public.

I have reminded myself that gross misconduct is a breach of the Standards of Professional Behaviour so serious that dismissal would be justified. Applying that definition, I am satisfied that PC Irfan’s breach of the Standards of Professional Behaviour amounts to gross misconduct.

## Outcome Decision

Following the College of Policing Guidance on Outcomes, (“Outcomes Guidance”) I adopt a three-staged approach in order to determine the appropriate sanction to impose on PC Irfan.

The first stage is to assess the seriousness of his conduct. This is assessed by reference to:

- i. The officer’s culpability,
- ii. The harm caused by the misconduct
- iii. The existence of aggravating factors
- iv. The existence of mitigating factors.

The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements:

- i. To maintain public confidence in, and the reputation of, the police service,
- ii. To uphold high standards and deter misconduct, and
- iii. To protect the public.

I further remind myself that 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 that purpose given the seriousness of the conduct in question.

In adopting the three-staged approach outlined above, I bear in mind PC Irfan's record of service.

I start by assessing the seriousness of his conduct.

**Culpability** – PC Irfan's actions were totally unacceptable. They involved the abuse of a young girl in the context of her own home where she had every right to feel safe and secure. Likewise, they involved the egregious betrayal of trust which the young victim's family had placed in PC Irfan as a close friend and officer. I further remind myself of what is said at paragraphs 4.60-4.62 of the Outcomes Guidance:

“4.60 The term 'violence against women and girls' refers to acts of violence or abuse that are known to disproportionately affect women and girls.

4.61 Policing has come under national scrutiny through high-profile cases where there has been a failing to prevent or protect women and girls from abuse and violence, and/or violence has been perpetrated by those serving the police. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable, setting a clear expectation as to the seriousness to which these matters are treated.

4.62 Violence against women and girls perpetrated by a police officer, whether on-duty or off-duty, will always have a high degree of culpability, with the likely outcome being severe.”

In light of the foregoing, I assess PC Irfan's culpability as high.

**Harm** – As previously mentioned, the young victim was in what should have been the safety of her own home when she was abused by PC Irfan. It is clear that this will have caused both her and her family very considerable distress. It is likely to make her reticent to trust figures of authority in the future. PC Irfan's behaviour threatens seriously to undermine public confidence in policing as does the fact of his conviction. As noted above, there is significant local and national concern regarding violence against women and girls, in particular, in a domestic context.

I find the harm caused by PC Irfan is high.

**Aggravating factors** – I have not identified any specific aggravating factors over and above the matters already recorded, and whilst I note that many of those matters could be treated as factors aggravating PC Irfan's misconduct, I do not specifically take them account as separately doing so in order to avoid double counting.

**Mitigating factors** – I have not been made aware of any mitigating factors on behalf of PC Irfan.

I note there are no character statements provided, and his personal record does not present any specific matters for consideration.

I have considered the threefold purpose of the police misconduct regime carefully in considering the appropriate outcome in this case.

I have considered whether a final written warning, or indeed a reduction in rank, would be an appropriate sanction in this case. Since PC Irfan is a PC, he cannot be reduced in rank. I have considered whether a final written warning would be an appropriate sanction in this case. Having considered all the factors outlined above, I am not satisfied that such a sanction would be sufficient to mark the seriousness of PC Irfan's conduct, nor the harm that his conduct has caused to the victim or to public confidence in the police.

Accordingly, I determine that the nature and seriousness of PC Irfan's behaviour means nothing less than his dismissal without notice from the police service is justified. It is entirely unacceptable for police officers who are responsible for enforcing the law, to break the law themselves. Doing so undermines public trust and confidence in policing. Furthermore, police officers have a particular responsibility to act in a way which protects the most vulnerable from exploitation. For an officer to be himself to sexually touch a young girl in her own home with her family nearby is the most horrendous breach of trust. The public could not have confidence in the Metropolitan Police Service if it did not treat PC Irfan's behaviour extremely seriously. A lesser outcome would not serve to mark the gravity of his conduct, deter others from similar conduct and fulfil the purpose of the police misconduct regime.

Having considered the matter fully and including the nature and severity of the breaches of the Standards of Professional Behaviour, my decision is that Police Constable Irfan be:

**Dismissed without notice.**



Assistant Commissioner, Pippa Mills

17 September 2024