IN THE MATTER BEFORE THE MISCONDUCT HEARING
UNDER THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED)

COMMISSIONER FOR THE METROPOLITAN POLICE SERVICE

Appropriate Authority

- V -

PC AARON ROBERTSON

The Officer

THE CHAIR'S REGULATION 43 REPORT TO THE AA

In accordance with the Police (Conduct) Regulations 2020 (as amended) (The Regulations) the following outcome report and decisions as issued under regs. 41(15) to (17); 42(1), (3) and (13) and 43 of the Regulations.

Allegations

1. Under the Regulation 30 notice dated 2 June 2025 Police Constable Aaron ROBERTSON (the Officer) is accused of the following alleged breaches of the standards of professional behaviour:

   Allegation 1: Between 26 July and 13 August 2019, the Officer deliberately conducted unauthorised searches for persons on the CRIS database. When the Officer carried out the searches they were not acting in the proper course of police duties and this amounts to a breach of the following standards:

   Confidentiality; and
   Discreditable Conduct

Allegation 2: On 13 August 2019 the Officer deliberately accessed a CRIS report without authorisation. When they accessed the report the Officer was not acting in the proper course of police duties and this amounts to a breach of the following professional standards:

Confidentiality; and
Discreditable Conduct.

Background Facts

2. The Officer was approximately 2 years in service at the time working as a response officer in the South West London BCU.

3. **REDACTED**

4. The Allegation 1 covers searches by the Officer on police systems against Persons A and B. Allegation 2 refers to the Officer accessing a CRIS record on Person B.

Law

5. These misconduct proceedings were conducted under the Police (Conduct) Regulations 2020 (as fully amended by the Police (Conduct) (Amendment) Regulations 2024, see regs. 1 and 7(1)(a); and under regs. 5 and 64(1) and (3)(a), and the Schedule to the Police (Conduct, Performance and Complaints and Misconduct) Amendment Regulations 2025) (the Regulations).

6. The Panel adhered to their obligations under the Human Rights Act 1998 and the Equality Act 2010.

7. Due regard was had to the following statutory guidance:
   (a) The Home Office, Conduct Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (v.1.0) (5 February 2020) (HOG); and

(b) The College of Policing, Guidance on outcomes in police misconduct proceedings (2023) (CoPG).

Procedure

8. The conduct matter came to the AA's attention on 23 September 2024 when DC Birch (the investigating officer) spoke to Person C. On 22 October 2024 an investigation was formally commenced and assessed as gross misconduct with a Reg. 17 notice served on 23 October 2024.

9. A Regulation 30 notice was served on the officer on 2 June 2025. A Reg. 31 response dated 21 June 2025 was filed by the Officer.

10. At the Pre-Hearing on 21 July 2025, the matters under reg. 33 the Regulations were considered. a hearing date of 29 and 30 October 2025 was scheduled. The AA declined to call Person C and the Officer was given until 13 October 2025 to file any medical evidence or raise any Equality Act issues. The Officer did not file any medical evidence or raise any new issues about his health during the proceedings before or after the 13 October 2025.

11. The Officer did make submissions dated 15 July 2025 on the anonymity of himself and Persons A to D.

12. A hearing before a Panel chaired by Cmdr Andy Brittain and composed of Independent Panel Members Yvonne Walsh and Steven Hearn was held on the 29 and 30 October 2025. The AA and Officer were legally represented.

Anonymity

13. For the purposes of the proceedings the Chair decided that cyphers should be used to anonymise the Officer and the four other persons involved (see para. 3 above) and the Officer would be known as "Officer A". The hearing would remain open to the public with reporting restrictions to protect anonymity. No challenges were raised by interested third parties.

14. This decision was reached in accordance with reg. 39(3)(c), (4) and (7)(f) of the Regulations and with the factors under paras. 11.84 to 11.87 of the HOG in mind. **REDACTED**. The

public interest in protecting their identity and the very low level of direct involvement in the conduct justified a proportionate interference with the general principle of open justice under reg. 39(1) of the Regulations. The Chair had Articles 8 and 10 under Schedule 1 to the Human Rights Act 1998 in mind when the decision was made and reviewed.

15. After the Panel's decision on the proven allegations and outcome, the Chair agreed to maintain the anonymity for Persons A to D in accordance with Regs. 33 and 43(10) of the Regulations. The anonymity for the Officer would be lifted. This was agreed with the Officer and the AA and appropriate redactions would be applied to this Report before publication.

Evidence

16. The Panel has the evidence presented in the Hearing Bundle as well as the oral evidence of the Officer and DC Birch, and additional documents listed below:

(a) Hearing Bundle containing:
   i. Reg. 17 Notice;
   ii. Reg. 30 Notice;
   iii. Reg. 31 response;
   iv. MG14D of the Officer 15 January 2025 including annexes;
   v. Spreadsheet of the Officer's audit history of CRIS searches from 27 July 2018 to 31 December 2019;
   vi. Screenshots of the Officer's medication;
   vii. A Merlin report dated 9 February 2025;
   viii. MG11 of DC Birch dated 23 April 2025;

(b) A character reference bundle from the Officer comprising of 7 police officers' statements dated between 29 July and 23 October 2025 was filed during the hearing; and

(c) The following additional documents were filed at the hearing after the initial determination that both allegations were proven at the level of gross misconduct:

   i. The Officer's up to date training, disciplinary and attendance record; and
   ii. A notice of the conditions attached to the Officer's working practices and access to police systems in the preceding 7 months.

17. During the hearing evidence was heard from DC Birch and the Officer.

18. DC Birch set out that her investigation found 4 searches of Person B on 26 July with 4 more searches on Person A on 27 July; and one search on Person B with access of their CRIS record on 13 August 2019. The time periods for these actions were between 13:08 to 13:17 on 26 July, 14:22 to 14:24 on 27 July and 18:00 to 18:04 on 13 August.

19. The Officer gave evidence in his defence. He adopted his accounts under the MG14D and Reg. 31 response. He outlined his personal circumstances before joining the police service in 2017. Of note the Officer stated:

    (a) **REDACTED**

    (b) **REDACTED**

    (c) **REDACTED**

    (d) **REDACTED**

    (e) **REDACTED**

    (f) The Officer accepted the facts as set out by the AA, that he remained at work throughout the times of the allegations, and that he maintained responsibility for his actions.

    (g) He believed his judgement at the time was flawed and that he would "overthink everything". Person C introduced the thought of a welfare concern which the Officer identified as his motivation for carrying out the conduct.

    (h) The Officer accepts his actions were wrong, apologised and if the public were aware of them they would be "gobsmacked" and "angry". He knew the rules for accessing police systems at the time and the legitimate channels he could have used to address his concerns; and on reflection would not repeat his actions.

    (i) He could not recall what information he had seen under Allegation 2 due to the passage of time but knew he had not used or disseminated any of the material.

    (j)**REDACTED** he realised what he had done was wrong but did not revisit his actions until the investigation in this case. On self-reflection he had recently taken courses on police ethics and data protection.

(k) He had remained with access to police systems and in front line response policing since the conduct. These were some of hundreds of daily uses of the police systems by the Officer who retained full access to the system. His social and professional support structures had significantly improved, and his health and resilience were in a good place.

Panel's reasoning and determinations

20. The decision for the Panel was to establish the facts, considering the allegations before the Panel and if proven whether the conduct of the Officer amounts to misconduct or gross misconduct on the balance of probabilities; and if proven determine the appropriate sanction. Again the Panel had regard to the CoP guidance and that the burden of proof was on the AA to prove their case.

21. There were aspects of the case and the Officer's culpability that remained in dispute between the AA and the Officer. There was not a full and frank admission by the Officer before the Panel. The Officer argued that his conduct was cursory and neither of the Allegations either singularly or in total amounted to anything higher than misconduct only.

The facts

22. The Officer's early admission of many of the facts put by the AA made establishing the overall facts relatively straightforward.

23. The Panel determined he conducted the searches as alleged with full knowledge of rules and protocols for using police systems and accessed one CRIS record for approximately 4 minutes. He did so with full knowledge of his actions and of his own volition. This was over 6 years ago in 2019 and the total time of searches and access to the records did not exceed 15 minutes.

24. These allegations were the only instances of inappropriate CRIS access or use of police systems brought to the Panel's attention.

25. There is no evidence that any information was used or disseminated by the Officer. Nor was there evidence that any person experienced physical or mental harm as the result of his actions.

But, the Panel found it hard to believe his inability to recall in detail or tone any of the information he saw.

26. His motivation was not a legitimate policing purpose for *his* unauthorised accessing of the system. The Officer was experienced enough at 2 years service to know the proper routes to have welfare issues reported and investigated. He was using the systems for his own personal reasons and benefit.

27. **REDACTED** Throughout this period the Officer remained a front line response Officer with access to and daily use of the CRIS system.

28. **REDACED** The Officer did not seek to attribute any responsibility to any other person. On the evidence provided and taking account of the submissions made the Panel concluded that the Officer was fully aware of and responsible for his actions

29. The Officer's recent statements of remorse and self-reflection are seen as authentic. He showed self awareness about the wrongness of his actions and how they would damage the reputation of the police service in the eyes of the public.

Determination of the Allegations

30. There were two allegations before the Panel. Allegation 1 related to searches conducted into Persons A and B between 16 July and 13 August 2019. Allegation 2 related to the access of Person B's CRIS record for a period of approximately 4 minutes on 13 August 2019. The allegations referred to breaches in relation to Confidentiality and Discreditable Conduct

31. The Panel considered the seriousness of the allegations, the culpability of Officer A and the harm.

32. Although there are multiple searches conducted the Panel notes these are consolidated into Allegation 1 and that Allegation 2 relates only to the access of Person B's CRIS report on 13 August 2019.

33. The Panel have considered, the:

(a) Officer's acceptance of acts set out in the Reg. 30 allegations in his Reg. 31 response;

(b) Officer's high culpability under both Allegations:
   i. Officer's acceptance that he was responsible for his actions and so bears all the relevant culpability;
   ii. the multiple occasions a search was conducted under Allegation 1;
   iii. the intentional accessing of a CRIS record under Allegation 2; and
   iv. Officer's admission that he knew the rules as to use and access at the time of his conduct.

(c) The Panel has considered the seriousness of the allegations:

   i. **REDACTED**
   ii. No medical evidence was presented by the Officer to suggest his judgment was so impaired at the time that his responsibility for his own actions was limited or reduced;
   iii. He accepted throughout that the decisions were his own and that he was functioning as a front line response officer at the time;
   iv. The highest it was been put was that the Officer's judgment, by his admission, was clouded at the time and this contributed to his own choices, however he stated to the Panel that upon looking back it was "stupid" and "silly", and the public would be rightly "angry"; and
   v. **REDACTED**

   For assessing the seriousness of the Allegations, the Panel considered this had limited impact but will return to the issue when assessing mitigation for any outcome and sanction.

(d) data protection and misuse is considered amongst some of the most serious types of conduct under the CoP guidance being "considered especially serious" [see para. 4.14];

(e) Accessing confidential police information without a legitimate policing purpose is an abuse of an officer's position and **may** merit dismissal in serious cases [CoP guidance at para. 4.36];

(f) In looking at those listed factors under para. 4.37 of the CoP guidance which would support a more serious outcome the Panel noted only two apply, being:

i. personal gain, in that the Officer sought personal advantage in accessing police systems and conducting the searches and file review set out under the Allegations; and

ii. a breach of personal privacy where the data is very sensitive. Although no evidence was before the Panel setting out the exact nature of the personal data and if it was "special category data"; by the nature and purpose of the systems any personal data held would be considered sensitive. The Panel consider the use of systems to search for as well as the access a record would amount to a breach of privacy; And

(g) The Panel considered the harm caused by the conduct and note:

i. no evidence of physical harm or distress to Persons A, B, or D from the Officer's conduct was presented to the Panel; but

ii. there is the reputational harm to the MPS in that systems that hold sensitive information were accessed without proper authorisation and for a personal motive; and

iii. the public's perception of the harm would be – to quote Officer A's own words- "gobsmacking" and "angry" **REDACTED**

34. Turning to the applicable standards of professional behaviour:

Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties.

And

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.

35. The Panel decided for both Allegations 1 and 2: the Officer failed to treat police systems and information with the necessary respect. His actions were his own and were engaged in for personal reasons and not in the proper course of police duties.

36. The alleged breach of Confidentiality was proven on the balance of probabilities and the Officer's culpability, seriousness of this type of conduct, the presence of some factors that increase its seriousness and the considered harm means the level of breach is so serious as to amount to gross misconduct.

37. The Panel decided for both Allegations 1 and 2: Officer's conduct was behaviour that discredits the police service and undermines public confidence. Again, his actions were his own.

38. The alleged breach of Discreditable Conduct was proven on the balance of probabilities and that the Officer's culpability, and the considered harm to the reputation of the police service and public confidence means the level of breach is so serious as to amount to gross misconduct.

39. The Panel had regard to the primary function of the police disciplinary process in safeguarding public confidence in and the reputation of the police service, upholding high standards in policing and protecting the public; along with relevant human rights and equality legislation.

40. The Panel decided that on the balance of probabilities all the allegations are proven and the respective standards are breached as to amount to GROSS MISCONDUCT.

Determination of the Outcome

41. The Panel had regard to the CoP guidance on outcomes in police misconduct proceedings. It also noted its ability to decide on a single outcome from multiple allegations.

42. The Panel has also heard submissions from the Officer and AA on the outcome.

Seriousness, Harm and Aggravating factors

43. The Officer accepted these were his actions alone and had no lawful policing purpose. These were targeted searches with an intended purpose, and the seriousness, harm and aggravating factors are assessed above.

Mitigating factors in relation to the conduct

44. The Panel considered the following mitigating factors apply:
    (a) there was no malicious intent behind the Officer's conduct;

    (b) there was no onward disclosure of any data;

(c) there was no alteration of any data;

(d) the searches and access did not prejudice any ongoing police operation, investigation or proceedings;

(e) the Officer did not attempt to cover-up their actions;

(f) no monetary personal gain motivated the officer;

(g) the age of the allegations (6+ years);

(h) the limited instances and duration of the proven conduct amounting to no more than 15 minutes of unauthorised access which significantly limits the harm; and

(i) The accessed record was not presented as evidence to the Panel, but there was no suggestion that the information was special category data under the Data Protection Act 2018 or carried a higher classified marking.

45. **REDACTED**

46. The age of the allegations, their limited nature and scope, the limited harm and the Officer's lack of malice and personal monetary gain are all significant factors of mitigation of importance to the Panel.

Personal mitigation

47. The Panel notes that personal mitigation has little weight when considered against the aim of protecting public confidence in the police service, but should always be taken into account [CoP guidance at paras. 6.8 and 6.9].

48. The Officer showed remorse and self-reflection during the course of the investigation and proceedings. He took an early opportunity in his MG14D to admit his actions in part.

49. **REDACTED**

50. The Panel considered the Officer's otherwise clean disciplinary record and his professional behaviour over the past 6 years. Note was taken of his character references from supervisors and colleagues and how one supervisor describes his potential for promotion.

Outcome

51. Taking into account all of the above and the need to assess the suitability of the lowest level sanctions in turn; the Panel decided the outcome should be:
A FINAL WRITTEN WARNING for 2 YEARS.

Decision

The Panel decides that all the allegations against the Officer are proven on the balance of probabilities for breach of the professional standards of behaviour of Confidentiality and Discreditable Conduct amounting to gross misconduct. The sanction of a final written warning for 2 years is imposed on Police Constable Aaron Robertson (P244083).

Cmdr Andy Brittain
8th January 2026