Misconduct Hearing of DC Eugene Emmanuel held on 15th – 18th December 2025

Introduction

1. The misconduct hearing for Detective Constable Eugene Emmanuel was held in public from 15 December 2025 to 18 December 2025 and a Notice was published to that effect in accordance with the amended Police (Conduct) Regulations 2020 ('the amended 2020 Regulations').

2. The Regulation 30 Notice was issued pursuant to the amended 2020 Regulations. It was alleged that DC Emmanuel had behaved in a manner which breached the Standards of Professional Behaviour (SPB) relating to 'Discreditable Conduct' and 'Authority, Respect, and Courtesy', and which amounted to Gross Misconduct.

3. It was alleged by the Appropriate Authority ('the AA') that:

   On 7 December 2023, at a Christmas party for your team, held at the Windmill Pub, Clapham Common, you sexually assaulted Officer A, a colleague and fellow MPS team member.

   Particulars:

   After the meal and at a time when you and other colleagues were socialising in and around the bar area of the Windmill Pub, you went into the toilets. You either deliberately followed Officer A therein or it was a coincidence that you entered only a few seconds after he did.

   Despite the toilets being largely empty, you decided to position yourself, unnecessarily, at the urinal, directly next to the one that Officer A had chosen to use.

   Then, whilst Officer A was attempting to use the urinal, you sexually assaulted him.

   You did this deliberately and intentionally.

   In doing so you forcefully pushed a finger or fingers between his buttocks and, albeit the same was done over clothing, it was nonetheless done with

sufficient force for him to feel at least one of your fingers make contact with his anus.

In doing so, in addition to the physical assault, you caused him humiliation, embarrassment and upset.

Albeit you appeared to be heavily intoxicated at the time, your intoxication was self-induced and affords you no defence for either your lack of self-control or your unlawful actions.

The particularised behaviour occurred in a public place, at a time when Officer A had been in the company of colleagues and friends, and had gone to the urinals to relive himself.

As aforementioned, the assault was sexual and you knew or ought to have known at the time you committed the offence that what you were doing was wrong.

It is submitted that your actions in these circumstances amount to Gross Misconduct in that they amount to a breach of the Standards of Professional Behaviour that, if proven, are so serious that your dismissal would be justified.

In all respects the Appropriate Authority therefore considers your actions to be a breach of the following Standards of Professional Behaviour:

Discreditable Conduct

Authority, Respect and Courtesy

Public confidence depends upon police officers demonstrating the highest standards of personal and professional behaviour.

This type of behaviour undermines public confidence in the police service.

This type of behaviour also damages and undermines morale within the MPS.

It is especially important for the police to be seen to uphold the highest standards in dealing with sexual abuse and the protection of the vulnerable, particularly but by no means limited to serving male officers who must expect and have the confidence to be able to enjoy safely social events with their own team, without fear of being humiliated, abused, assaulted or sexually offended against by other male officers.

Your behaviour fundamentally undermines that confidence.

Regulation 31 Response

4. In his response pursuant to Regulation 31 of the amended 2020 Regulations, DC Emmanuel denied breaching any SPB in the terms alleged within the

Regulation 30 Notice. He said he did not touch Officer A in the alleged manner, and merely touched his lower back as he wanted to surprise him with a friendly greeting at the urinal.

Burden and Standard of Proof

5. The Panel reminded itself that the burden is on the AA to prove on the balance of probabilities that the officer behaved in the manner alleged and in doing so he breached the Standards of Professional Behaviour in relation to 'Discreditable Conduct', and 'Authority, Respect, and Courtesy'. Further, the AA must satisfy the Panel to the same standard that the manner of the breach is of such a nature or degree that it amounts to Misconduct or Gross Misconduct.

6. The Panel also reminded itself of the relevant guidance from the Home Office Guidance on Conduct, Efficiency and Effectiveness in respect of the balance of probabilities: *"Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the officer do not require a different standard of proof, merely appropriate careful consideration by the panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred*". [Paragraph 9.10]

7. The Panel reminded itself that it does not need to make a finding on every issue and need only make findings on those issues which it believes to be relevant and material to the allegations.

8. The Panel approached its task in the following stages:
   i) Are any of the facts admitted?
   ii) What facts have been proved by the AA on the balance of probabilities?

iii) Of the admitted or proved facts, has the AA satisfied the Panel on the balance of probabilities that the relevant Standards of Professional Behaviour have been breached?

iv) If so, has the AA satisfied the Panel on the balance of probabilities that it is Gross Misconduct, namely the breach is so serious as to justify dismissal?

Pre-Hearing

9. On 15 July 2025, the former Chair convened a pre-hearing (on Microsoft Teams) and issued a number of case management directions including specified timescales for the service of outstanding material.

10. Further to written submissions from the parties, the Chair (on 2 October 2025) ruled that former DC Setter's second statement dated 12 December 2023 can be admitted as evidence. However, the Chair did not make a determination on the weight it should have, as this was a matter for the Panel having considered all the evidence in the case.

Reporting restrictions

11. At the pre-hearing, given the nature of the allegations, the former Chair put in place reporting restrictions prohibiting the publishing or broadcasting of the true names of Officer A and Officer B (a witness in the case) in accordance with Regulation 39 (3) (c) and/or Regulation 39 (3) (b) of the amended 2020 Regulations. The Chair confirmed these restrictions at the outset of the hearing.

The Proceedings

12. At the misconduct hearing, the AA was represented by Mr Janick Fielding of Counsel. DC Emmanuel was represented by Mr Kevin Baumber of Counsel. The Panel was grateful to Counsel for their assistance. Ms Chiew Yin Jones, Legally Qualified Advisor, provided legal advice to the Panel.

13. In determining this matter, the Panel considered all the material placed before them including the hearing bundle, addendum bundle, Opening Note, the Regulation 31 response, the relevant CCTV footage, former DC Setter's voice note, and the character evidence bundle.

14. In addition to the documentation placed before them, the Panel received oral evidence from Officer A, Officer B, former DC Setter (virtually on the Teams platform), DC Harrison, and DC Emmanuel. The Panel shall come to its assessment of their evidence later on in the judgment.

15. The Panel also considered former DC Setter's voice note (recorded at 20:15 on 7 December 2024) and relevant CCTV footage which were played during the course of the hearing.

Character evidence

16. The Panel considered the bundle of character evidence (containing 12 references). The Panel took these references into account when considering DC Emmanuel's credibility and in respect of his propensity or otherwise to behave in the way alleged.

Background

17. The Panel first considered the background leading up to the allegations to understand the context of the case.

18. On 7 December 2023 at approximately 3 pm, police officers from Specialist Crime South went to the Windmill Public House, Clapham Common, for their team Christmas party which had been organised by DC Emmanuel.

19. Alcohol in varying amounts had been drunk by DC Emmanuel, Officer A and some of the other witnesses during the course of the evening. It was the AA's case that DC Emmanuel had consumed a substantial amount of alcohol across

the entirety of the evening. Whilst DC Emmanuel accepted that he was under the influence of alcohol and was drunk at the time, he denied that he was very drunk as he had been drinking a combination of water and wine during the evening. Other witnesses described the officer as being drunk - DC Roberts stated that between 8 and 8.30 pm, DC Emmanuel "*appeared quite drunk by that point and was slurring and slightly unsteady on his feet".* Furthermore, DC Roberts was concerned that DC Emmanuel may not get home safely.

20. At some point in the evening, Officer A observed that DC Emmanuel went behind Officer B and rubbed her shoulders with both hands. Officer A perceived this to be highly inappropriate. Officer A also observed DC Emmanuel attempting to massage former DC Setter's shoulders but former DC Setter made it clear that he did not want to be touched. When DCI Stride indicated that he was going to leave, DC Emmanuel tried to unzip his jacket, and made the point that it was '*too soon*' for him to go home.

21. Officer B, former DC Setter, and DCI Stride indicated that they were not offended by DC Emmanuel's behaviour:

    i) Officer B said that she had called DC Emmanuel over and had asked him to give her a shoulder massage (over clothes) which he did;
    ii) Former DC Setter said that DC Emmanuel did not try to give him a massage after he made it clear that he did not want one by saying 'Fuck off' to him. Former DC Setter accepted that this may have been a little more forceful than he intended due to his alcohol consumption'; and
    iii) DCI Stride said he did not consider DC Emmanuel's actions as a particular issue at the time.

22. At approximately 8 pm, Officer A entered the male toilets closely followed by DC Emmanuel where the incident in question occurred. The Panel did not consider it to be necessary to make a finding on whether DC Emmanuel followed Officer A into the toilets or whether it was a coincidence that Officer A happened to be in the toilets at the time. In any event, there was a common view between the parties that DC Emmanuel went to the urinal directly next to the one that Officer A was using.

Witnesses

23. The Panel assessed the evidence given by the witnesses namely Officer A, Officer B, former DC Setter, DC Harrison, and DC Emmanuel, and its assessment is set out below.

Officer A

24. The Panel found Officer A to be a credible witness who provided clear and cogent evidence about the incident, and the Panel was persuaded by Officer A's evidence that as he was using the urinal, he felt a short and sudden forceful push that was directed up between his buttocks (described as an upwards, thrusting motion). Officer A said that he was pushed forward and that due to the force of the motion, it felt like his anus had been touched over clothing. He turned around and saw DC Emmanuel standing next to him.

25. Officer A's evidence about his interaction with others after he came out of the toilet was also consistent with the relevant CCTV footage **[Camera 16].** Although there were some variations between the evidence of 'recent complaint' given by witnesses including DC Harrison, former DC Setter, DS Fagence and Detective Inspector Martin, the Panel found that the essence of Officer A's complaint was consistent, including with DC Harrison's original written statement of 4 January 2024.

26. The Panel found Officer A to be measured and balanced in his responses and apportioned significant weight to his evidence. For instance, Officer A did not seek to embellish his evidence and accepted in cross examination that his perception of the incident at the urinal might have been influenced by DC Emmanuel's behaviour towards Officer B, former DC Setter and DCI Stride earlier in the evening. Nonetheless, the Panel concluded that Officer A's understandable misunderstanding, considering their earlier conversation - about whether Officer B consented to being touched by DC Emmanuel - did not undermine his credibility as a witness.

Officer B

27. The Panel found Officer B to be an inconsistent witness and considered parts of her evidence to be vague and lacking in substance. For example, Officer B was unable to say whether it was her or Officer A who instigated the relevant conversation about DC Emmanuel, nor the precise contents of their conversation. Officer B appeared to vacillate in her evidence, sometimes indicating that Officer A was in agreement and sometimes that he was simply accommodating her views. Officer B was also unable to say why she considered her conversation with Officer A to be irrelevant and did not include this in her initial statement and only did so nearly two years later. The Panel apportioned limited weight to her evidence.

Former DC Setter

28. The Panel found former DC Setter to be a credible witness and apportioned significant weight to his evidence. The Panel was persuaded by former DC Setter's evidence that as he was in a private cubicle in the toilets, he heard Officer A saying *"what the fuck are you doing"* and registered the shocked tone of Officer A's voice. The Panel also found former DC Setter's contemporaneous voice note (recorded at 20:15 on 7 December 2024) to be compelling.

29. The Panel noted former DC Setter's description of Officer A's emotional reaction to watching a traumatic video as part of Operation Branwell. Whilst the Panel took this into account and accepted his evidence as credible, the Panel apportioned limited weight to Officer A's reaction in its assessment of the allegation, as the Panel recognised that individuals react to trauma in a variety of different ways.

DC Harrison

30. The Panel found DC Harrison to be a credible witness and the Panel apportioned weight to his evidence, particularly his statement made closer to

the event on 4 January 2024. The Panel was persuaded by his evidence regarding his conversation with Officer A, and his observation about the look of shock on Officer A's face at the relevant time. The Panel also noted that DC Harrison and Officer A's conversation was depicted in the relevant CCTV footage **[Camera 16]**.

DC Emmanuel

31. The Panel did not find DC Emmanuel to be a credible witness in his assertions as he was not forthcoming under questioning, and the Panel found some of his evidence to be implausible. For example, the Panel found it incredible that DC Emmanuel did not register any reaction from Officer A after 'he touched Officer A on his lower back' even if, as he said, it was intended as a joke. Additionally, in evidence, DC Emmanuel said he did not hear Officer A saying "what the fuck are you doing?" which the Panel found to be improbable in the circumstances as former DC Setter (who was in a cubicle at the time) heard Officer A saying the same.

32. DC Emmanuel also maintained that whilst he was under the influence of alcohol, he was a seasoned drinker accustomed to drinking large volumes and was not as drunk as he often gets that evening **[paragraph 24 of his Regulation 31 response]**. The Panel found DC Emmanuel's account of his own statement of drunkenness to be inconsistent with the state he was seen to be in by other witnesses including former DC Setter who stated that DC Emmanuel 'was quite drunk' **[54]**, DS Harrison who stated that DC Emmanuel 'appeared to be very intoxicated' **[60]**, and DC Roberts who stated that DC Emmanuel sent him a message the following morning to ask "*'Hey what time did I leave about 7 or 8? I was fairly smashed at that point. Did I miss much? Did people go on after?".* DC Emmanuel's explanation for what he meant by the word 'smash' seemed improbable in the circumstances. For all those reasons, the Panel apportioned <u>limited weight</u> to DC Emmanuel's evidence.

<u>Factual allegations</u>

33. Against this backdrop, the Panel went on to consider the allegations specified in the Regulation 30 Notice. It was the AA's case that DC Emmanuel deliberately pushed his finger or fingers between Officer A's buttocks over clothing, with sufficient force for at least one of DC Emmanuel's fingers to make contact with Officer A's anus, and this amounted to sexual assault.

34. DC Emmanuel did not dispute that he touched Officer A at the urinal. However, he denied touching Officer A in the alleged manner and stated that he merely touched Officer A's lower back as he wanted to surprise him in the same way that he had surprised DS Paul Barham earlier in the evening by sneaking up behind him and tapping his shoulder.

35. In determining this matter, the Panel took into account all the material placed before them including the evidence of 'recent complaint' to the witnesses below.

    i) **DC Harrison:** in his statement of 4 January 2024 **[60]**, DC Harrison stated that Officer A *"told [him] that DC Emmanuel had inappropriately touched him on the buttocks and then cupped his fingers inwards on the buttocks crease. He used a hand gesture to indicate how this had been done. He then explained how he had been stood at the urinal in the bathroom when DC Emmanuel had walked up behind him and had made this action. Officer A then said he had said words to the effect of "what the fuck are you doing" and then he had left the bathroom as he felt uncomfortable. As he was talking this through Officer A was quite heated and appeared pretty angry".*

    ii) **Former DC Setter:** *in his statement of 21 February 2023* ***[53],*** *former DC Setter stated that "Officer A said he had gone to the gents to use the urinal when [DC Emmanuel] had come up next to him and stuck his finger 'up his bum'".*

    iii) **DS Fagence:** in his statement as referred to in the Investigating Officer's report **[2 Addendum bundle]**, DS Fagence stated that Officer A said that **"***whilst in the Toilet and standing at the urinals, [DC Emmanuel] had touched his bottom. …He stated that [DC Emmanuel] had stood at the urinal next to*

him. He has then used his right hand to touch Officer A's bottom. He went on to say that [DC Emmanuel's] index finger had touched his anus. This touching had happened over his pants and trousers. The touch had happened in a second and then DC Emmanuel started laughing."

iv) **DI Martin:** in his statement of 2 February 2024 **[64]**, DI Martin said that Officer A informed [him] that *"a short time earlier he had been in the men's toilets standing alone at the urinals when DC Emmanuel (a DC on MIT11) came into the toilet area and as he passed Officer A he had grabbed his buttocks. Officer A said this had taken him by surprise and he had challenged Eugene at the time. DI Martin cannot recall the exact wording, but it was in effect 'What the fuck are you doing'?"*

36. The Panel rejected the officer's submissions that Officer A had given inconsistent descriptions about what happened that evening. Although there were some variations between the various accounts, the gravamen of Officer A's complaint was consistent.

37. Furthermore, the Panel was careful to ensure that any risk of stereotypes and assumptions about reactions to non-consensual sexual conduct should be countered. For instance, the Panel noted Officer A's evidence that he did not tell DC Tobitt about the incident even though he was the first person he saw after he came out of the toilet as DC Tobitt is not someone he feels comfortable with. The Panel has therefore ensured that it has made its determination with this in mind.

Assault

38. Having apportioned appropriate weight to the evidence of the witnesses, and having considered all the material in the case, the Panel concluded that it was more likely than not that DC Emmanuel deliberately pushed his finger or fingers between Officer A's buttocks over his clothing with sufficient force for at least one of DC Emmanuel's fingers to make contact with Officer A's anus.

39. The Panel preferred Officer A's account particularly having regard to the corroborating accounts of witnesses including DC Harrison and former DC Setter, along with former DC Setter's contemporaneous voice note and the relevant CCTV footage. In arriving at this conclusion, the Panel viewed DC Emmanuel's account to be improbable and rejected his evidence in this regard.

Whether the touching was sexual

40. The Panel then went on to consider whether the touching was sexual. Given the nature and circumstances of DC Emmanuel's proven conduct, the Panel concluded that DC Emmanuel's actions amounted to sexual assault.

41. In coming to this conclusion, the Panel took into account that DC Emmanuel touched Officer A on a private part of his body, and the touching took place in the toilet whilst Officer A was stood by the urinal in private where contact would be unusual.

42. To be clear, the Panel considered the assault to be sexual in nature but not in purpose. In other words, the Panel did not find the assault to be sexually motivated.

Conclusion

43. Given all the circumstances, the Panel found the index allegation, and the alleged impact on Officer A (humiliation, embarrassment and upset) **proven** on the balance of probabilities. The Panel was also satisfied that DC Emmanuel was heavily intoxicated during the relevant time, and his intoxication was self-induced.

<u>Standards of Professional Behaviour</u>

44. Having found the allegation proven, the Panel then went on to consider whether, by his proven conduct, the officer had breached the Standards of

Professional Behaviour in relation to ‘Discreditable Conduct’, and ‘Authority, Respect, and Courtesy’.

45. The Standard of ‘Discreditable Conduct’ pursuant to Schedule 2 of the amended 2020 Regulations stipulates 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”.

46. In respect of the Standard of ‘Authority, Respect, and Courtesy’, Schedule 2 of the amended 2020 Regulations stipulates that “Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy”.

47. By his actions, the Panel had no doubt that DC Emmanuel breached the alleged Standards of Professional Behaviour in respect of Discreditable Conduct, and Authority, Respect, and Courtesy.

48. DC Emmanuel clearly failed to treat Officer A with respect and courtesy, and his proven actions would undoubtedly have an adverse impact on public confidence in policing as police officers are expected to uphold the highest standards, including protecting the vulnerable from sexual abuse.

Misconduct or Gross Misconduct

49. The Panel then went on to consider whether the officer’s proven conduct amounted to Misconduct or Gross Misconduct.

50. The Panel reminded itself that Regulation 2(1) of the 2020 Regulations defines Misconduct as being ‘a breach of the standards of professional behaviour that is so serious as to justify disciplinary action’ whilst Gross Misconduct is defined as ‘a breach of the standards of professional behaviour that is so serious as to justify dismissal’.

51. The Panel further reminded itself that the purpose of the police misconduct regime is to: maintain public confidence in and the reputation of the police service; uphold high standards in policing and deter misconduct; and to protect the public.

52. Given its findings that DC Emmanuel's conduct amounted to sexual assault, the Panel concluded that DC Emmanuel's conduct amounted to **Gross Misconduct** in that it is so serious as to justify dismissal.

Outcome

53. Having come to the conclusion that DC Emmanuel's conduct amounted to Gross Misconduct, the Panel went on to determine the appropriate outcome.

54. In determining the appropriate outcome, the Panel applied the principles set out in *R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2018] 11 WL UK 822 and *R (on the application of Chief Constable West Midlands Police) v Panel Chair, Police Misconduct Panel v officer "A" – Interested Party* [2020] EWHC 1400 (Admin) which emphasise the importance of following the structured approach as set out in the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings (2023).

55. In summary, the Panel:

(i) Assessed the seriousness of the conduct and behaviour of DC Emmanuel

(ii) Reminded itself of the purpose of imposing sanctions, namely:

- Maintaining public confidence in and the reputation of the police service;
- Upholding high standards in policing and deterring misconduct; and
- Protecting the public.

(iii) Arrived at an outcome which most appropriately fulfilled the purpose of imposing sanctions in the light of the seriousness of DC Emmanuel's conduct.

Seriousness of the Conduct and Behaviour

56. In assessing the seriousness of DC Emmanuel's behaviour in respect of the findings, the Panel considered the following factors in line with the guidance in the CoP Guidance on outcomes:

- The culpability borne by DC Emmanuel for his actions.
- The harm caused by DC Emmanuel for his actions.
- The existence of any aggravating factors.
- The existence of any mitigating factors.

Culpability

57. The Panel first assessed DC Emmanuel's culpability arising from his actions found proven.

58. The Panel had found that DC Emmanuel's conduct amounted to sexual assault The Panel therefore drew assistance from paragraph 4.23 of the CoP Guidance: *"If the conduct found proven in the misconduct proceedings is criminal in nature, take this into account when considering the culpability of the officer notwithstanding the absence of a criminal conviction".*

59. The Panel considered that whilst DC Emmanuel targeted Officer A specifically, his misconduct was not pre-meditated and it was a "spur of the moment" decision.

60. The Panel carefully considered submissions put on behalf of DC Emmanuel that as his conduct was connected to an undiagnosed and untreated condition

as a functioning alcoholic, DC Emmanuel's culpability should be reduced. The AA contended that there was no expert evidence to support such a proposition.

61. In the absence of medical evidence, the Panel concluded that self-induced intoxication was not a defence for his actions, and there were no grounds to reduce culpability on this basis.

62. The Panel concluded that DC Emmanuel's culpability in this case was **high**.

Harm

63. The Panel went on to consider the harm caused to Officer A and to the wider community.

Officer A

64. The Panel was clear that harm had been caused to Officer A. In his statement of 28 February 2024 **[46],** Officer A stated that *"as [he] walked back to the bar, [his] colleague DC Harrison asked him if he is ok to which he said "No, I'm not". [Officer A] then got upset, and started crying…[Officer A] then I told [DC Harrison] what had happened in the toilets. [He] felt very embarrassed and humiliated, but also angry at what had happened".*

65. Several witnesses including DS Fagence said that Officer A was crying and visibly upset after the incident in the toilet. When DS Fagence checked on his welfare the next day, Officer A said that he felt embarrassed, annoyed and angry.

Wider community

66. The Panel went on to consider the harm caused to the wider community. In considering this issue, the Panel considered paragraph 4.69 of the CoP Guidance which states that *"how such behaviour would be or has been perceived by the public will be relevant whether or not the behaviour was known*

about at the time." The Panel also noted on the same page that "*Where Gross Misconduct has been found and the behaviour has caused or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow."*

67. The Panel had no doubt that the officer's proven misconduct is likely to cause reputational harm to the police service and undermine public confidence in policing.

Determination

68. Given all the factors outlined above and based on our assessment of harm caused to Officer A and the wider community, the Panel found that DC Emmanuel had caused a **high level of harm**.

Aggravating factors

69. The Panel then went on to consider the list of potential aggravating factors set out in the CoP Guidance which increased the seriousness of the misconduct in this case. The Panel found the following aggravating factors to be present:

    i) Scale or depth of local or national concern about inappropriate sexual behaviour of police officers.
    ii) Multiple (two) proven breaches of the Standards of Professional Behaviour.

Mitigating factors

70. The Panel went on to consider the mitigating factors which reduced the seriousness of the misconduct in this case.

71. The Panel observed that DC Emmanuel's misconduct was confined to a single episode or brief duration and considered this to be a mitigating factor.

72. The Panel noted DC Emmanuel's expression of remorse in the document which he said he sent to his representatives in May 2024. Nonetheless, as it was unclear when the document was created, the Panel was unable to apportion weight to the document nor conclude that DC Emmanuel was genuinely remorseful.

Character references

73. Having assessed the seriousness of the Gross Misconduct found proven, the Panel then went on to consider the character references submitted on behalf of DC Emmanuel.

74. Given the purpose of police misconduct meetings, the Panel kept in mind the fact that personal mitigation will carry limited weight and less than it might do in a different context [as explained by Holroyde J as he then was in *The Queen (on the application of Williams) v Police Appeals Tribunal* [2016] EWHC 2708 (QB)]. Nevertheless, the Panel did take account of the following matters:

(i) That DC Emmanuel did not have any previous disciplinary matters recorded against him.
(ii) The bundle of character references submitted on DC Emmanuel's behalf (as referred to above).

Outcome

75. The Panel then went on to consider the outcome which would most appropriately fulfil the purposes of imposing sanctions in the light of the seriousness of DC Emmanuel's conduct. The Panel considered all the available outcomes, starting with the least serious.

76. The Panel considered whether a Final Written Warning would be appropriate in this case or whether the seriousness of the case required a sanction of Dismissal Without Notice.

77. This was not a case where Reduction in rank was an available option.

Assessment

78. The Panel considered whether a lesser sanction of Final Written Warning would be appropriate but did not find any circumstances which would justify this sanction.

79. Based on the assessment of seriousness that had been carried out and given the overall circumstances of the case which the Panel had found to be a deliberate sexual assault, the Panel came to the view that the appropriate sanction in this case is **Dismissal Without Notice**.

80. Ultimately, the Panel found that a lesser sanction would be insufficient to reflect the importance of upholding high standards in policing, deterring misconduct and preserving public confidence in the police service.

Barred list information

81. The Chair has considered the relevant provision under the Police Barred List and Advisory List Regulations 2017 ("the 2017 Regulations") and is satisfied that a report containing details of this case (in accordance with Regulation 3 of the 2017 Regulations) should be sent to the College of Policing within 10 working days. This is because there is no reason to depart from the general principle.

Right of Appeal

82. DC Emmanuel should be notified that he has a right of appeal to the Police Appeals Tribunal. The AA will provide a notice as to the procedure to be followed in that regard.

Publication of the Outcome Report

83. There being no representations from the parties, the Chair directed publication of the outcome decision, subject to the harm test pursuant to Regulation 43(6) of the amended 2020 Regulations.

Commander Jason Prins - Chair
Pradeep Agrawal - Independent Panel Member
Gaon Hart - Independent Panel Member
5th January 2026