IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT) REGULATIONS 2020

Between:

THE COMMISSIONER OF POLICE OF THE METROPOLIS

Appropriate Authority

and

DI MICHELLE PETERS

Officer Concerned

OUTCOME REPORT OF PANEL'S DECISION

INTRODUCTION

1. The misconduct hearing for DI Michelle Peters was held in public at Palestra House, London. The hearing was held between 10 and 11 December. The Panel comprised James Hunter as Chair, with Placida Ojinnaka and Steven Hearn as Independent Panel Members.

2. The Appropriate Authority ('the AA') was represented by Ms Jennifer Oborne. DI Peters was represented by Ms Ailsa Williamson. The Panel was assisted by Charles Drinnan, Legally Qualified Advisor.

3. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 ('the 2020 Regulations').

PRELIMINARY ISSUES

4. **Anonymity of the complainant**: the AA applied for anonymity for the complainant. The application was unopposed. This was granted since they were the complainant in a sexual allegation. The Complainant was thereafter referred to as 'Mr. A'.

5. **Special measures**: an application for special measures was granted by the Chair prior to the hearing, enabling Mr. A to give his evidence from behind a screen.

6. Ms Williamson sought to play the Body Worn Video footage (BWV) of Mr. A's initial complaint as part of her cross-examination. This was unopposed by the AA and allowed by the Panel.

7. No other preliminary issues were raised by the parties.

REGULATION 30 NOTICE

8. On the first day of the hearing, the Panel was referred to the Regulation 30 notice in respect of DI Peters, containing the allegations and that her conduct amounted to gross misconduct, namely:

It is alleged that DI Michelle Peters breached the following Standards of Professional Behaviour as set out in Schedule 2 of the Police (Conduct) Regulations 2020:

a. Discreditable Conduct

It is contended that, if proven, the conduct below breaches the above Standard of Professional Behaviour.

Allegation 1

Between 1 January 2009 and 31 December 2010, DI Peters acted in a manner likely to bring discredit upon the police service, in that she placed her hands between the thighs and touched the testicles of Mr. A, Mr. A not consenting to the touching and DI Peters not reasonably believing that Mr. A so consented.

The matters set out above amount to gross misconduct and are so serious as to justify dismissal.

9. The Officer denied the allegation.

CASE SUMMARY

10. Mr. A was employed by the Metropolitan Police Service (MPS) between 1995 and 2012 as a member of police staff (namely, a station reception officer (SRO)). At the time of the

alleged incident, DI Peters was a police sergeant and Mr. A's line manager. Mr. A currently works for the British Transport Police.

11. On 16 March 2024, officers attended the home address of Mr. A. He alleged he was sexually assaulted by DI Peters whilst on a night out in Leicester Square. Mr. A's original account was recorded on BWV by the responding officers. Mr. A stated he had been to counselling and had subsequently made the disclosure regarding DI Peters. He had had enough of being treated badly, hence his motivation for reporting the allegation.

12. Mr. A made a formal statement regarding this incident on 16 March 2024. He stated he recalled being on a night out approximately 12-13 years previously. His team were in a bar in Leicester Square. He described DI Peters as being very drunk. He stated that DI Peters "came behind [him], placed her hand between [his] thighs, grabbed his testicles and squeezed them." When he turned around, she laughed and walked away. It was not witnessed by anyone else.

13. Mr. A believed he was targeted by DI Peters because she was aware he had been signed off work due to sickness.

14. Mr. A also recalled an incident at Leicester Square underground station at the end of the evening, when DI Peters walked through the ticket gates without showing her identification. He did not report the incident to anyone. He left the MPS in 2012. He decided to report the matter following counselling sessions.

15. DI Peters gave an interview under caution on 23 May 2024. She stated she had no direct recollection of Mr. A, although she could see from documentation that she had previously line managed him. She had no recollection of him having been signed off work. She did not recall the night out in Leicester Square. She had two young children and therefore could not recall a "random" night out in Leicester Square.

16. A criminal investigation was closed due to insufficient evidence to support a conviction.

17. The parties made it plain that should the facts of the allegation be found proved, it would be axiomatic that it would amount to a breach of the relevant standard and amount to gross misconduct.

THE PANEL'S APPROACH

18. The Panel reminded itself it was required to:

    a. Consider the facts of the case and to make its findings of fact in relation to the allegation;
    b. Determine whether those findings of fact constituted a breach of the relevant standard; and
    c. Determine whether any breaches found proven amounted to misconduct or gross misconduct.

19. The Panel reminded itself that the burden of proof was on the AA throughout the hearing, and the standard of proof was the balance of probabilities ('what is more likely than not').

20. The Panel considered the concept of inherent improbability – that when assessing the evidence, proof of an improbable event may require more cogent evidence than might otherwise be required.

21. The Panel approached its decision-making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose is not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A secondary purpose is to be declaratory of high professional standards; a final purpose is to protect the public, officers and staff by preventing similar misconduct recurring.

22. The Panel also had regard to regulations and guidance, in particular the following:

    a. The Police (Conduct) (Amendment) Regulations 2024 ('the Regulations'), including in particular the Standards of Professional Behaviour at schedule 2;
    b. 2018 Home Office Guidance;

c. The definition of misconduct given at Reg 3(1) of the Regulations: "a breach of the Standards of Professional Behaviour";
d. The definition of gross misconduct given at Reg 3(1) of the Regulations: "a breach of the Standards of Professional Behaviour so serious that dismissal would be justified";
e. The College of Policing's Guidance on Outcomes 2023;
f. The Code of Ethics; and
g. The Code of Practice for Ethical Policing.

THE EVIDENCE

23. In advance of this hearing, the Panel was supplied with the documents in accordance with the 2020 Regulations, which included a copy of the papers served on DI Peters in accordance with Regulation 30, and DI Peters' response under Regulation 31.

24. In determining the facts in this case, the Panel had regard to:

a. All documents and materials in the hearing bundle, the Regulation 30 notice and the Regulation 31 response, whether they were explicitly referred to or not during the hearing;
b. The BWV;
c. The live evidence of Mr. A and DI Peters;
d. The submissions made on behalf of the AA and DI Peters; and
e. The legal advice provided by Mr. Drinnan.

25. The AA called Mr. A to give live evidence. He confirmed both of his statements to the police were true to the best of his knowledge and belief. He confirmed he was previously employed by the MPS as police staff between March 1995 and October 2012 in the role of First SRO.

26. Mr. A recalled that at some point he was line managed by DI Peters, but could not recall how long this arrangement was in place. The first time Mr. A met DI Peters, he stated that she contacted him on the phone and then came to his home address in Loughton when he was signed off work. After this home visit, Mr. A formed the impression she did not

have a very sympathetic demeanour and showed a lack of concern towards him. When he returned to work, DI Peters conducted a return-to-work interview with him. Mr. A states that DI Peters then sent the completed documents to another MPS employee at a different police station sharing his name. We refer to this as the 'data breach' hereafter.

27. Other than this contact, and the alleged incident, Mr. A stated he did not really have any dealings with DI Peters at all. He could not recall having any performance development reviews (PDR) with her apart from the return-to-work interview.

28. He was asked what led him to contact the police in 2024 to report the incident. As a result of matters in his life, Mr. A had counselling, a result of which was to motivate him to report the incident to the police

29. Mr. A was asked where the incident took place. He was not able to be specific about the location but stated it was in a venue in Leicester Square, in the West End of London. He was there with a few members of his team and a few "civilians". He could not remember whether it marked a specific occasion, only that it was a team night out.

30. When asked about the incident specifically, he could not recall for certain but stated he was standing at the bar, buying a drink. No one else was at the bar, and he was propped against it, facing the bar. Within a few seconds he felt DI Peters' hand through his legs, groping him very hard on his testicles. He turned around in "utter shock" and DI Peters was grinning like a "Cheshire cat" and "sauntered away", laughing, back to a group of officers. She said nothing. No one else saw the incident. Mr. A did nothing. He told the Panel he had never been drunk and had had one alcoholic drink on the night.

31. Mr. A did not report it at the time as he stated he had no faith or confidence in the police, He stated he was taken advantage of by people at work and felt disempowered. He gave an example of not being allowed breaks. He stated he remembered telling his mother, who just laughed.

32. The BWV when Mr. A first made the complaint (dated 16 March 2024) was played for the Panel. Mr. A stated he had spent 17 years and 9 months working at reception, being treated appallingly. He told the police he was treated poorly and was not given breaks. He disclosed

that on a night out around Leicester Square in London in around Christmas 2011, DI Peters was drunk, put her hands through his legs and "squeezed them", laughed, and walked off. He stated that he was at the bar, queuing, and it was fairly packed when she came through from behind, "squeezing them". He stated he did not make a big deal of it, and did not do or say anything. He could not remember the name of the bar.

33. Mr. A was cross-examined. He stated that in the BWV he had got all his dates "muddled up", and that the assault did not happen in 2011, but happened in 2009 or 2010. He conceded his memory was incorrect in the BWV. Regarding the data breach, Mr. A was asked why he did not tell DI Peters that she had emailed the wrong person, and he stated that he "couldn't be arsed" as it was "pointless" and would have been "swept under the carpet". He said he felt the data breach was a deliberate act and not unintentional.

34. As regards the incident itself, during cross-examination Mr. A stated that [Colleague 1] and [Colleague 2] were present. Mr. A stated that he had subsequently contacted [Colleague 1] telling her what DI Peters had done and asked her if she remembered, which she did not. Mr. A further contacted [Colleague 2], who also had no memory of the night out.

35. Mr. A described the night out as a "spur of the moment" event and not a "leaving do". He stated it would not have been a weekend and maybe not even a Friday as "the actual place was not that busy". His recollection was that it "was not packed" and had "small little groups" of people present. He was asked to account for when he had previously told the police it was "fairly packed". He stated that he did not think it was packed, and that if it had been busy someone "would have seen her". He conceded he could not actually remember whether it was busy or not. He stated that no one from his team was at the bar with him and he could not remember whether he had been served or was waiting to be served. He stated that he would not have stayed at the bar if he had received his drink. He could not remember how many drinks he had, what kind of drinks he had, what kind of venue it was, whether there was dancing or whether he had been for a meal before. He was asked whether his penis or testicles or both were grabbed. He stated he "would have thought both, but she definitely grabbed my testicles". He was asked what he was wearing on the night, including what underwear he was wearing and did not remember.

36. Mr A. confirmed he did not mention the alleged incident to anyone that night, or in 2012 when he left the police. He stated he wanted "to get out" and that "he was a different bloke back then". He subsequently had "an epiphany" which enabled him to "speak up". He stated he had been treated appallingly by the police and that he left in an "unhappy fashion". When asked why he did not disclose this to anyone at the time or when he left in an unhappy fashion, he stated he felt isolated and unsupported and wanted to draw a line under it.

37. Mr. A was asked about DI Peters walking through the ticket gates and saying 'fuck off' when asked for her proof of identification. It was put to him this was a fabrication, which he denied, stating that DI Peters was "completely drunk so would not remember", while he stated he himself was not drunk. He assumed [Colleague 1] was present at this point and he could not remember anyone else. He could not remember the PDR he undertook with DI Peters when cross-examined about it.

38. Mr. A was asked questions by the Panel. He was asked to comment on what he said in the BWV about queuing at the bar; the Panellist asked whether it meant he was not the only person waiting at the bar. Mr. A stated he could not say. He was asked to explain the chronology, stating he was on leave in May 2009, but could not say how long he was off, and stated he was off again in 2012, but could not say when. He stated he would hardly see DI Peters in the office. He could only recall going on two team outings in 2009-10, the one that he referred to during these proceedings and another he had seen photographs of on Facebook. He could not remember which one was first and stated that DI Peters was not at the other event. He was asked about his journey home, and how long he was at the venue but could not recall. He could not remember leaving the venue at the same time as DI Peters but stated they went through the underground ticket gates at the same time. He was not 100 per cent certain that [Colleague 1] was there but did think she was. He stated that the groping took a split second. He was asked whether she had her back to him when he turned around. He said it was not and that he could see her "grinning face". He stated that on the night of the incident no team members were standing at the bar with him and he could not remember if any members of the public were standing at the bar.

39. The AA closed its case.

40. DI Peters was called to give evidence. She stated she had two children who were aged [REDACTED] and [REDACTED] at the time of the alleged incident, rolling into [REDACTED] and [REDACTED]. She was asked about her childcare arrangements at the time and stated it was just herself and her husband, and they used the 12 hours of free childcare provided by the government. Her husband was also a police officer.

41. DI Peters joined the MPS in 2000 as a response officer at Enfield Police Station. She then went to Newham Police Station as a crime squad officer, then onto Sapphire and Jigsaw (which both had a sexual offences focus), and onto child protection. She became a detective in 2005. She moved to Waltham Forest in May 2009, where she was a promoted to Sergeant. This was a temporary promotion for a year where she would be monitored monthly. If successful she would become a substantive Sergeant. She was successful. As a Sergeant her first role was working at the crime taskforce at Waltham Forest, then was on rotation around the main office. She was in this role until 2018, when she moved to MO10 Met Prosecutions as Detective Sergeant on the case management team – where she currently works.

42. When she first moved to Waltham Forest, her line management responsibilities included a mixture of substantive police constables, probationers and station officers. She line managed at least 20 MPS employees. She line managed Mr. A in 2009 and continued to do so in 2010 when she went to CID. Mr. A was based at Chingford Police Station, DI Peters was based at Uplands Patrol Base, which was a 20-minute drive away. Not all her direct reports were based at the same location as her.

43. DI Peters has no memory of visiting Mr. A at home. She has conducted home visits throughout her career – she remembered two specifically but has done more. She stated it was likely there would have been a home visit to Mr. A if he was off work for more than 28 days.

44. In 2009-10 she did socialise with the team but only for events with a specific reason (for example, a Christmas party, a leaving event or a retirement). Her lifestyle did not allow her to attend a 'random' night out as she had two young children and worked opposite shifts to her husband whom she shared childcare with. It was not feasible. She had no memory of attending any social event with Mr. A.

45. DI Peters denied grabbing Mr. A's testicles on any night at any time. She further denied telling a member of underground station staff or Mr. A to 'fuck off'.

46. In cross-examination DI Peters stated she had no recollection of Mr. A when she was line managing him. She could not have picked him out of a crowd then but she could do so now as she had made attempts to find out who Mr. A was and had seen his photograph on Facebook, in order to establish who he is and to make sense of all of this. She reiterated she had no recollection of a home visit but accepted it was likely it took place.

47. DI Peters stated no data breach was ever brought to her attention, and she would have expected one to be, either by Mr. A or by anyone else who knew.

48. DI Peters was asked about nights out in 2009-10, and she confirmed she did go on team nights out, arranged around childcare. She stated she went on nights out when she drank alcohol and others when she did not. She stated Leicester Square was not somewhere she socialised in the 25 years she lived in London. The only recollection she had of going there socially was when she went "once maybe twice" to the Hippodrome prior to having children. She reiterated she did not at any time grab Mr. A in the way he described, nor would she have got through the ticket gates had she done what he alleges.

49. DI Peters could not provide a reason as to why Mr. A had invented this allegation.

50. The Panel asked DI Peters questions. She was asked why she could remember two home visits. She stated that one resulted in an employment tribunal where she did not get through the front door and the other overlooked a green area with deer present. The Panel asked her about [Colleague 1]'s character witness statement in the Character Bundle, where she said she would travel to and from work events with DI Peters. DI Peters was asked whether she recalled travelling in with [Colleague 1] during this time and she recalled three events: a Christmas party, a 21st birthday party and a garden party – all outside of London in Essex.

51. A further question from DI Peters' counsel was asked: whether she was aware prior to the disclosure during this hearing that Mr. A was suggesting [Colleague 1] was present on the night in question, and she said no. DI Peters was also asked whether, prior to the hearing,

she had been aware that Mr. A was suggesting [Colleague 2] was also present on the night in question – she replied that she had not been aware. She stated that she had spoken to [Colleague 2] and was told only that Mr. A had been in touch with him.

52. The Panel had regard to the character references.

FINDINGS OF FACT

Allegation 1

53. **The Panel found this allegation was not proved by the AA on the balance of probabilities.** The Panel made this decision by considering all the evidence available.

54. It is the Panel's conclusion that the account provided by Mr. A was not credible. It was difficult for the Panel to be satisfied when the alleged incident took place – there was a lack of coherency to the timeline of events, which the Panel found difficult to reconcile.

55. The Panel found there were inconsistencies in Mr. A's account of the alleged incident. The Panel found that the accounts provided by him in relation to whether it was his penis that was touched as well as his testicles were inconsistent across his two statements, the BWV, and his live evidence to the Panel. The Panel found there were inconsistencies between how crowded the venue was, with Mr. A stating in the BWV that the venue was 'fairly packed', but in his evidence telling the Panel it was 'not packed'. He also provided an inconsistent account of whether he was queuing or not. The Panel found Mr. A was not consistent in his account of whether DI Peters swore at a TfL employee in an underground station or at him. The Panel found that the inconsistencies, although when taken individually may be seen as not particularly significant, casted doubt on the reliability of Mr. A's account when considered cumulatively.

56. That [Colleague 1] and [Colleague 2] had been present at the venue of the alleged incident was an inclusion in Mr. A's live evidence that had not previously been mentioned. The Panel found that this put DI Peters at a significant disadvantage in that, had that information been forthcoming earlier, she may have been able to make enquiries of those witnesses herself.

57. The Panel found that Mr. A held significant animosity – which may not have been unjustified on his account – towards the MPS, and a high degree of resentment towards those in management which had been developing over several years. The Panel concluded this may have impacted his recollection of events and his views of the motivation behind things that happened to him, for example the data breach being a deliberate, targeted act. In the Panel's view, there is no evidence that any alleged data breach was deliberately carried out.

58. The Panel therefore reject Mr A's evidence for the above reasons.

59. The Panel reminded themselves that DI Peters is of good character and have considered that fact when assessing her credibility and the likelihood of her committing serious misconduct. The Panel have further thoroughly considered the effect of delay in this case, which was substantial.

60. The Panel found DI Peters' evidence to be credible, consistent and clear. The delay had a highly detrimental impact on her being able to provide detail towards the allegation.

61. Notwithstanding the difficulties inherent in her putting forward an account due to the delay, the Panel found what she was able to say to be credible and supported by references in the character evidence. Apart from Mr. A's account, there was no material to suggest she was capable of the alleged behaviour and DI Peters was clear in her recollections of the nights out she did have, and in her memory of specific house visits she had conducted. Her account of the difficulties she faced in attending nights out, in this specific case agreed to as 'random' or 'spur of the moment' by Mr. A, when she was sharing childcare of two young children with her husband (who was also a police officer) and consequently working opposite shifts, is credible, and, in the Panel's view, made it improbable she would have been on such a night out.

62. It is inherently improbable that DI Peters, whom the Panel found was career-driven and focused, would do something like this to one of her subordinates (of whom she was line managing more than 20), who, on Mr. A's own account, had almost no interaction with her, being based in separate locations.

63. The Panel noted that DI Peters is of good character and no other similar allegations have been made against her in the time that has passed since the events alleged, which supports her credibility. The Panel conclude that the character references, viewed together with her good character, mean it was less likely she would have carried out the act alleged. The Panel view the character references as corroborating evidence in support of her account.

64. The Panel therefore concluded that the AA did not prove their case to the requisite standard.

CONCLUSION

65. Having found the allegation not proved, this concluded the hearing.