In the matter of the British Transport Police (Conduct) Regulations 2020;

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

FPS NATHAN DUMBLE [7820]

[CASE REF CM/69/23]

Regulation 43 Outcome Report

Location: PSD Offices, 8A London Bridge Road, London, SE1 9SG

Date: 5th – 6th January 2026

Legally Qualified Chair: Chiew Yin Jones

Independent Panel Member: David Scott

BTP Superintendent: Dominique Ioannou

Outcome: Gross Misconduct

Sanction: Dismissal Without Notice (Former Officer)

IN THE MATTER OF THE BRITISH TRANSPORT POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

FORMER POLICE SERGEANT NATHAN DUMBLE

OUTCOME REPORT

Introduction

1. The misconduct hearing for former Police Sergeant Nathan Dumble ('the former officer') was held in public from 5 January 2026 to 6 January 2026 and a Notice was published to that effect in accordance with the British Transport Police (Conduct) Regulations 2020 ('the 2020 Regulations').

2. The Regulation 30 Notice was issued pursuant to the 2020 Regulations, and it was alleged that the former officer had behaved in a manner which amounted to Gross Misconduct:

Allegation 1

1.Shortly after the end of the covid lockdown Female A met a male under the profile name [redacted]' on the Fab Swingers website.

2. Female A describes being in a 'manic' phase when she met '[redacted]' due to having complex mental health needs. During this phase she was engaging in risky and promiscuous sexual behaviour. Female A used one of the profile names [redacted]' or [redacted]' or '[redacted]'. She intentionally sought police officers to meet her to engage in sexual activity, posting on her profile "any officers want to play".

3. Arrangements to meet '[redacted]' were made at short notice on the Fab Swingers chat messaging facility and later via WhatsApp as an opportunity had arisen at short notice. [redacted] stated that he wasn't crewed that night, and was rarely not crewed.

4. Both parties agreed for him to attend Female A's home address to engage in consensual non consensual (CNC) sex.

5. Female A detailed the arrangements and agreed role-play scenario discussed between herself and '[redacted]' prior to his visit. [redacted]' would be in full police uniform with handcuffs. An agreed safe word was established to enable Female A to end the roleplay. Both parties were to remain in role play of "officer, naughty girl" throughout the encounter.

6. [redacted]' enquired "do you have any Ring doorbells; do you have anything like that" before his arrival. Female A confirmed she had no Ring doorbell or security cameras. She told him she would shut the windows, leave the front door open and wait in the living room so as not alert the neighbours.

7. '[redacted]' agreed to park the police car away from Female A's house to not bring attention to his visit. It was agreed that [redacted]' would ask her name and tell her there was a warrant for her arrest. He would cuff, cavity search and engage in sexual activity, which included intercourse, with her. He told her she would need to be quiet if he got a call and requested for her to be upset and cry for the duration of the role play.

8. '[redacted]' arrived at Female A's address and entered through the front door that had been left open. He was wearing full police uniform with his yellow high visibility vest turned inside out so that Female A was unable to see his identification numbers. She did not see the vehicle he arrived in.

9. '[redacted]' was wearing a clear radio earpiece with his radio switched on, Female A could hear it in his ear. [redacted] told female A to keep quiet if a call came through because he would have to answer it.

10. [redacted]' told Female A "We've got a warrant" pinned her against the wall and applied his rigid handcuffs with her hands behind her back. He searched her and performed a sexual act in the hallway, namely digital penetration of her anus and vagina using his fingers.

11. '[redacted]' removed the cuffs and reapplied them to the front of Female A. He told her "There's a way out of this, you don't have to go down to the cells." He asked for oral sex, which she gave him.

12. '[redacted]' directed Female A upstairs, whilst she was still in cuffs, where they engaged in oral sex in her bedroom. They then engaged in consensual unprotected vaginal penetrative sex.

13. During penetrative sex, '[redacted]' had his hand on Female A's throat whilst holding her hands cuffed above her head. [redacted] wanted Female A to play frightened, which she did. Female A cried throughout the roleplay. The encounter lasted approximately 20 minutes. After intercourse [redacted]' left quickly.

14. Former Officer Dumble was positively identified by Female A in a formal identification parade as the person known as [redacted]' who attended her address in full uniform and engaged in CNC sexual intercourse with her as described above.

15. It is alleged that Former Officer Dumble:

(a) Wrongfully abused his position as a police officer to engage in sexual activity with Female A.

(b) Wrongfully engaged in sexual activity with Female A whilst on duty.

(c) Wrongfully engaged in CNC sexual activity with Female A as particularised in paragraphs 10-13.

ALLEGATION TWO

16. In 2019 British Transport Police received information from Wiltshire Police Counter Corruption Unit (CCU) of an operation they were running under the name [redacted]. This involved a female (Female B) who met police officers through the Fab Swingers website to engage in CNC sex.

17. Wiltshire Police obtained an account from Female B, who had communicated with a male on Fab Swingers using the profile [redacted].' [redacted]' had sent Female B a photograph of himself in police uniform.

18. The phone number used in communications between Female B and '[redacted] can be attributed to Former Officer Dumble through the number provided to BTP on PS Dumble's vetting form and the Origin computer system.

19. Female B does not allege to have ever met '[redacted]'.

20. It is alleged that Former Officer Dumble abused his position as a police officer by sending Female B a photograph of himself in uniform upon a platform designed for sexual encounters.

It is alleged that the allegations set out in paragraphs 1 to 20 above amount jointly and separately to gross misconduct and are so serious as to justify your dismissal were you still a serving police officer.

It is alleged that you have breached the following standards of professional behaviour: Authority, Respect and Courtesy; Equality and Diversity, Discreditable Behaviour and Honesty and integrity.

Regulation 31 Response

3. In his response pursuant to Regulation 31 of the 2020 Regulations, the former officer denied the allegations and disputed that the alleged conduct occurred. He denied that he met any member of the public whilst he was on duty or that he used his position for any personal gain.

4. The former officer resigned from British Transport Police on 3 July 2024. On 7 August 2024, the former officer emailed the investigating officer to say that the allegations are malicious, and have caused him and his family immeasurable damage.

Burden and Standard of Proof

5. The burden is on the AA to prove on the balance of probabilities that the former officer behaved in the manner alleged and that in doing so he breached the relevant SPB. 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 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. The Panel has, however, resolved enough to reach a clear judgment in this case.

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 SPB 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?

The Proceedings

9. The Panel carefully considered all the documentation put forward on behalf of the parties including the former officer's email of 31 December 2025 which was added to the hearing bundle on the first day of the hearing **[570-571].** Within this email, the former officer stated that the AA had incorrectly referred to [redacted]' as Female A.

10. At the hearing, Mr Charles Apthorp, Counsel for the AA confirmed that paragraph 29 of the AA's Opening Note (paragraph 29) contained an error in that the former officer was said to have exchanged highly sexualised communications with Person A (user name of '[redacted]'). The AA accepted that this was incorrect as the individual with the user name of '[redacted] has no connection to Female A.

11. The Panel considered all the material placed before them including:

(i) the hearing bundle (which incorporated the former officer's Regulation 31 response, and further material submitted on 27 November 2025),
(ii) the AA's Opening Note,
(iii) the former officer's email of 31 December, and
(iv) the emails from the former officer's colleagues to wish him well **[513 – 514]**

12. The Panel did not receive oral evidence from any of the witnesses at the hearing.

Pre-Hearing and reporting restrictions

13. On 19 November 2025, the Legally Qualified Chair (LQC) convened a pre-hearing (on Microsoft Teams) and issued a number of case management directions including:

(i) Directions that the substantive hearing shall be held in public, and there should be no restriction on the identification of the former officer in the proceedings. This was on the basis that the necessary threshold to dislodge the presumption of public justice and transparency had not been reached in this case.

(ii) Reporting restrictions prohibiting the publishing or broadcasting of the true names of 'Female A' and 'Female B' in accordance with Regulation 39 (3) (c) and/or Regulation 39 (3) (b) of the 2020 Regulations. The LQC confirmed these restrictions at the outset of the hearing.

(iii) Directions that the attendance of witnesses was not required in the interests of justice.

14. Further to the former officer's renewed applications for anonymity (which were largely a rehearsal of previous submissions), the LQC rejected the applications and issued further case management directions dated 24 November 2025, 26 November 2025, and 18 December 2025. These directions confirmed that there should be no restriction on the identification of the former officer in the proceedings.

Additional material

15. On 18 December 2025, the LQC also rejected the former officer's assertion that the inclusion of additional material namely DC Ferris' statement of 25 November 2025, and Mr Matthew Foster's statements of 10 and 12 July 2023 would cause him prejudice. The LQC was persuaded by the AA that the statement *"simply amplifies evidence that was already in the bundle, and the former officer was therefore on notice of it already".*

16. Accordingly, the LQC permitted the inclusion of the said material into the hearing bundle pursuant to Regulation 41 (11) of the amended Regulations 2020.

Application to proceed in absence

17. The former officer did not attend the hearing and was not legally represented nor represented by the Police Federation.

18. At the misconduct hearing on 5 January 2026, having considered an application by the AA for the hearing to proceed in the former officer's absence pursuant to Regulation 37 (3) of the 2020 Regulations, the Panel determined that it would be in the interests of justice to do so as it was apparent that the former officer was aware of the hearing date and had chosen to absent himself voluntarily.

19. In arriving at our conclusion, the Panel took into account that:

(i) The former officer did not seek an adjournment at any stage before the hearing and had recently communicated with the Professional Standards Department by email on 31 December 2025, in which he sought to clarify factual inaccuracies in the AA's Opening Note.

(ii) In his submissions dated 27 November 2025, the former officer stated that he *"will not be attending the hearing in person. This is due to medical and wellbeing grounds supported by clinical evidence, as attending the hearing will not be safe for [his] mental health…"* **[524].**

20. In this regard, the Panel drew assistance from *GMC v Hayat* [2018] EWCA Civ 2796, and noted that – in putting forward an application for an adjournment on the grounds of ill health – applicants must provide evidence that they are unfit to participate in the hearing. The Panel also noted that the medical evidence must identify with proper particularity the individual's condition and explain why that condition prevents their participation in the hearing *[following Levy v Carr-Ellis (2012) EWHC 63 (Ch)].*

21. The Panel took into account Dr Ed Griffiths' letter dated 7 November 2025, in which the GP stated that *"…[the former officer] has been seeing us since July 2023* [redacted] *He has undergone multiple rounds of therapy and interventions for this as well as been on prolonged antidepressant medication*

for all of this time. Mr Dumble is concerned that attending an employment disciplinary hearing or being publicly identified would significantly determent [sic] his mental health and wellbeing and I would be grateful if this could be taken into consideration…".

22. Nonetheless, the Panel did not consider Dr Ed Griffiths' letter identified with proper particularity why the former officer's condition prevents his participation in the hearing as per *Levy v Carr-Ellis [supra].* Neither did Dr Griffiths' letter identify whether any reasonable adjustments could have been put in place to enable the former officer to participate in the hearing.

23. For all those reasons, the Panel permitted the AA's application for the hearing to proceed in the former officer's absence.

The former officer's medical condition

24. The Panel noted from Dr Ed Griffiths's letter that the former officer started seeing his GP since July 2023 [redacted]. There was no indication that the former officer's medical condition pre-dated July 2023 **[401].**

25. As the allegations pertained to a period in 2019, and shortly after lockdown, and as the Panel was not presented with any medical evidence prior to July 2023, the Panel did not consider the former officer's medical condition to be relevant when assessing the alleged facts and alleged breaches of SPB.

Emails from colleagues

26. The Panel considered the emails from the former officer's colleagues to wish him well **[513-514].** The Panel noted these emails.

Background

27. The Panel first considered the events leading to the allegations to understand the contextual background to the case.

28. In summary, in 2019, the British Transport Police received information from Wiltshire Police Counter Corruption Unit about '[redacted]' which was an investigation into the involvement of police officers in the 'Fab Swinger.com' site, which appeared to link police officers and others who have an interest in CNC sex with members of the public.

29. Wiltshire Police obtained an account from Female B who had communicated with a male with the user name of [redacted]" on the 'Fab Swinger.com' site. The phone number used by '[redacted]' on the site was traced to the former officer as this was the number he had provided for his vetting form and on the Origin computer system (HR Management Portal).

30. Female A was interviewed by Avon & Somerset Police on 11 April 2023 and 13 June 2023 regarding her involvement on the 'Fab Swinger.com' site where she described meeting a male under the profile name of "[redacted]" on the 'Fab Swinger.com' site a couple of years ago. During the interview, she described in detail the encounter she had with [redacted]', which she described as *"consensual non-consensual, it's a role play of a rape scenario .."* **[44-45].**

31. Female A positively identified the former officer in a video identification procedure as the police officer who went to her address in full uniform and engaged in CNC sexual relations with her.

[redacted]

[redacted]

34. On 11 July 2023, Ms Louise Simpson, Digital Forensic Investigator, examined the former officer's mobile phone [redacted], created a report, and exhibited the data recovered from the device **[301-315]**. The report included references to internet searches relating to 'Fab Swingers', description of an image of the former officer holding a handwritten sign with 'Fab Swingers.com' and a description of an image of a hand grabbing an erect and exposed penis.

35. On 13 September 2024, DC Kathryn Faine viewed the download from the former officer's mobile phone, and exhibited the first extract report containing 87 images between 31 May 2021 and 4 May 2023 [**316 – 340],** and the second extract report containing text messages sent between the former officer and another individual (stored in contacts under the name '[redacted]) between 24 June 2023 at 23:40 and 25 June 2023 at 10:42 **[341 – 356].**

36. Against this backdrop, the Panel then went on to consider the allegations:

Allegation 1: Female A

37. The former officer denied that the alleged conduct occurred. He subsequently contended that the allegations are malicious and said he felt wholly let down by the organisation that he had given many years of dedicated service.

38. In determining this allegation, the Panel took into account all the material placed before them including the following factors:

(i) **Female A's account [120-170].** This included:

a. Descriptions of the CNC encounter **[124 - 130]**
b. Subsequent contact between her and '[redacted]' **[129]**
c. Descriptions of her contact with '[redacted]' moving off the 'Fab Swinger.com' site to WhatsApp **[135 -136]**

d. References to '[redacted]' being a police officer, and that he was not doubled crewed as he was working alone at the relevant time **[148 - 152].**
e. Descriptions of a distinctive wedding band worn by '[redacted]' which matched the photograph of the ring worn by the former officer **[358 – 359]**.

(ii) **Video identification procedure:** Female A identified the former officer as the person who attended her home in police uniform, as per the statement of Matthew Foster, Identification Officer **[363 – 365]**

(iii) **Radio data:** the data showed the position of the former officer's radio on 24 September 2021 at 20:53 hours. Shown to be stationary for 15 minutes nearby to the home of Female A **[245 – 248].** This was corroborated by Female A who stated that the former officer was with her for approximately twenty minutes. There was no reported incident in the vicinity which would have caused the former officer to be present at that location.

(iv) **Rostered duty hours produced by Ms Elizabeth McWhirter:** the former officer was shown to be on duty on 24 September 2021 between 1400 to 0000 **[251]**

(v) **Mobile phone download:** the former officer's mobile phone download contained references to internet searches relating to 'Fab Swingers,' description of an image of the former officer holding a handwritten sign with 'Fab Swingers.com', and a description of an image of a hand grabbing an erect and exposed penis. **[302 - 305].**

Assessment

39. The Panel apportioned significant weight to the factors set out above, and had regard to the incontrovertible nature of the digital evidence.

40. Having considered all the material in the case, the Panel concluded that it was more likely than not that the former officer wrongfully abused his position as a police officer whilst on duty to engage in sexual activity with Female A as particularised in the Regulation 30 Notice.

41. It was clear from the roster **[251]** that the former officer was on duty as a police officer at the relevant time. The Panel noted Female A's account that the former officer arrived wearing his full police uniform (with his yellow high visibility vest turned inside out so she was unable to see his identification numbers) and was also wearing a clear radio earpiece with his radio switched on.

42. The Panel was clear that by engaging in sexual activity with Female A as particularised, the former officer wrongfully abused his position as a police officer. The Panel noted that the former officer used his police issued handcuffs, and had made reference to the existence of a warrant for Female A's arrest.

43. In arriving at this conclusion, the Panel rejected the former officer's assertion that the allegations are malicious as being baseless. Given all the circumstances, the Panel found allegation 1, including particulars 15 (a) (b) and (c) **proven**, on the balance of probabilities.

Other observations:

44. Out of completeness, the Panel observed the text messages sent between the former officer and another individual (with the user name of '[redacted]'). The Panel noted the AA's submission that this series of messages demonstrated the former officer's interest in CNC sex and reflected a pattern of similar behaviour.

45. Nonetheless, as the Panel had already noted that the individual with the user name of [redacted] was not connected to Female A, the Panel apportioned limited weight to the content of these messages.

Allegation 2 – Female B

46. The former officer also denied that the alleged conduct occurred, and subsequently contended that the allegations are malicious.

47. In determining this allegation, the Panel took into account all the material placed before them including the following factors:

(i) **Female B's account (as set out in the email from Wiltshire Police):** that Female B had a profile on Fab Swingers.com and recalled communicating with a police officer called [redacted]', based in [redacted]. She said she received a photograph of the former officer from his mobile number [redacted] **[286-287]**

(ii) **Mobile phone number**: The phone number used in communications between Female B and '[redacted]' [redacted] on the Fab Swingers.com site **[287]** is the same number used by the former officer on his vetting form and that held on Origin computer system **[297].**

(iii) **Statement of Ms Stephanie Robinson (Lead for Nelson Trust and Sex Worker Outreach Project)**: Female B had told her that she had an active profile on Fab Swingers.com and had met men for sexual intercourse advertising themselves as police officers. One of these officers identified himself as '[redacted].' Female B told her that she had received photographs from police officers to ensure they were genuine police officers **[290].** Ms Stephanie Robinson said **[292]** that she forwarded the screen shot of a person named [redacted] (taken from Female B's mobile phone) to CCI Robinson in 2019 **[294].**

Assessment

48. The Panel apportioned significant weight to the fact that the phone number used in communications between Female B and [redacted] is the same number used by the former officer on his vetting form and on the Origin computer system **[297].**

49. The Panel also found that the photograph the former officer sent to Female B matched the photograph of the former officer retained by BTP **[296]** and apportioned appropriate weight to it.

50. Having considered all the material in the case, and having assessed the weight of the evidence, the Panel concluded that it was more likely than not that the former officer abused his position as a police officer by sending Female B a photograph of himself in uniform on a platform designed for sexual encounters.

51. Given all the circumstances, and having rejected the former officer's assertion that the allegations are malicious, the Panel found allegation 2 **proven**, on the balance of probabilities.

Standards of professional Behaviour (SPB)

52. Having found allegations 1 and 2 proven, the Panel then went on to consider whether, by his conduct, the former officer had breached the SPB in respect of 'Authority, Respect and Courtesy', 'Equality and Diversity', 'Discreditable Conduct', and 'Honesty and Integrity'. It was the AA's case that the former officer had breached the SPB in relation to 'Integrity' only in relation to allegation 2.

53. With regards to the Standard of 'Authority, Respect, and Courtesy', Schedule 2 of the 2020 Regulations stipulates that "Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

54. The Standard of 'Discreditable Conduct' pursuant to Schedule 2 of the 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".

55. With regards to the Standard of 'Equality and Diversity', Schedule 2 of the 2020 Regulations stipulates that "Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly".

56. The Standard of 'Honesty and Integrity' pursuant to Schedule 2 of the 2020 Regulations stipulates that "Police officers are honest, act with integrity and do not compromise or abuse their position".

57. Assessing the respective SPB:

Authority, Respect, and Courtesy, and Discreditable Conduct

58. By his actions, the Panel had no doubt that the former officer breached the alleged Standards of Professional Behaviour in respect of 'Authority, Respect, and Courtesy' and 'Discreditable Conduct'. The former officer clearly failed to treat Female A and Female B with respect and courtesy, and his proven actions would undoubtedly have an adverse impact on public confidence in policing.

59. Police officers are expected to uphold the highest standards in dealing with sexual abuse and the protection of the vulnerable, and the Panel had not doubt that members of the public would be appalled to hear that the former officer:

(i) whilst on duty engaged in CNC in the manner described by Female A, and
(ii) abused his position as a police officer by sending a photograph of himself in uniform on a platform designed for sexual encounters.

Equality and Diversity

60. Whilst the former officer had conducted himself in a manner which was entirely reprehensible [and which had breached the aforementioned SPB], the Panel did not find that he had acted in an unfair and discriminatory manner. Accordingly, the Panel did not find that the former officer breached the SPB in respect of Equality and Diversity.

61. In arriving at this conclusion, the Panel took into account that the former officer was unaware of Female A's vulnerabilities. The Panel noted that when Female

A was asked whether '[redacted]' was aware of her mental state, she stated that he was one of the only officers [who] did not know, [she] did not get personal with him **[18].**

Honesty and Integrity

62. It was the AA's case that the former officer had purported to be a police officer during the relevant time, and therefore abused his position. Given our findings, the Panel was satisfied that the former officer breached the Standard in respect of 'Integrity' on the basis that he abused his position as a police officer and failed to do the right thing.

63. The AA had also averred that the former officer also breached the Standard in respect of 'Honesty' within the context of allegation 1, as he misrepresented to his colleagues what he was doing as he had been rostered for duty at the relevant time.

64. The Panel was not persuaded by the AA's submissions in this regard. Whilst the former officer had acted without integrity, and abused his position as a police officer, the Panel did not find that he had dishonestly misrepresented his movements to his colleagues and wider police service.

Misconduct or Gross Misconduct

65. Further to our findings above, the Panel then went on to consider whether the former officer's behaviour amounted to Misconduct or Gross Misconduct.

66. In determining this issue, 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."

67. We further reminded ourselves 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.

68. Given our findings, the gravity of the former officer's actions, and the adverse impact the former officer's actions would have on public confidence, the Panel had no doubt that the former officer's behaviour amounted to **Gross Misconduct** as it was so serious as to justify dismissal.

Outcome

69. Having come to the view that the former officer's conduct amounted to Gross Misconduct, the Panel went on to determine the appropriate outcome.

70. 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 Former 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 (2022).

71. In summary, the Panel:

(i) Assessed the seriousness of the conduct and behaviour of the former officer

(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 the former officer's conduct.

Seriousness of the Conduct and Behaviour

72. In assessing the seriousness of the former officer's behaviour in respect of the allegations, the Panel considered the following factors in line with the guidance in the CoP Guidance on outcomes:

- The culpability borne by the former officer for his actions.
- The harm caused by the former officer's actions.
- The existence of any aggravating factors.
- The existence of any mitigating factors.

Culpability

73. The Panel first assessed the former officer's culpability arising from his proven misconduct.

74. The Panel drew assistance from paragraph 4.44 of the CoP Guidance on Outcomes which states that *"The nature of the Office of Constable means that all police officers are in a position of trust and authority in relation to members of the public. An officer's misconduct will be more culpable where it involves an abuse of this position. Where an officer has used their position to pursue a sexual or improper emotional relationship with a member of the public, this should be regarded as an abuse of authority for sexual gain. Such conduct can cause substantial damage to public trust and confidence in the police and is particularly serious where the subject of the officer's behaviour is a vulnerable person".*

75. The Panel had already found that the former officer had not only wrongfully abused his position as a police officer by embarking on CNC sexual activity

whilst on duty, but had also sent a photograph of himself in uniform on a web-based platform designed for sexual encounters with members of the public. On that basis, the Panel found the former officer's culpability was increased as a result of his actions found proven.

76. The Panel had regard to paragraph 4.61 of the CoP Guidance which states that *"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."* Therefore, the fact that the former officer was involved in CNC sexual activity whilst he was on duty was of particular concern to the Panel.

77. Given the overall circumstances, the Panel concluded that the former officer's culpability to be very high.

Harm

78. We next considered the harm caused to Female A, Female B, and to the wider community.

Female A and Female B

79. Whilst Female A and Female B did not appear to have been caused specific harm by the former officer's misconduct, the Panel considered that the former officer's overall conduct in embarking on CNC sex with members of the public whilst he was on duty as a police officer contributed to the general harm described by Female A although the Panel had found that the former officer was unaware of Female A's vulnerabilities.

Wider community

80. The Panel went on to consider the harm caused to the wider community. In considering this issue, we considered page 28 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.*"

81. We 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.*"

82. The Panel had no doubt that the former officer's proven misconduct is likely to cause reputational harm to the police service and undermine public confidence in policing given the increasing societal concerns regarding inappropriate sexual behaviour by police officers.

83. Given all the factors outlined above, the Panel found that the former officer had caused very high harm.

Aggravating factors

84. 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 several aggravating factors present:

(i) Premeditation, planning, targeting or taking deliberate and predatory steps.
(ii) Abuse of trust, position, powers or authority
(iii) Continuing the behaviour after the former officer realised, or should have realised that it was improper
(iv) Misconduct perpetuated against two complainants (Female A and Female B)
(v) Multiple proven allegations and three breaches of Standards of Professional Behaviour.

85. Whilst the Panel noted that there was a scale or depth of local or national concern about inappropriate sexual behaviour of police officers, the Panel was careful to ensure that they did not 'double count', having taken into account increasing societal concerns regarding this type of behaviour by police officers when assessing the harm caused by the former officer.

Mitigating factors

86. The Panel did not find any mitigating factors which reduced the seriousness of the misconduct in this case.

87. The Panel noted the medical evidence put before them. Nonetheless, as the former officer's proven misconduct pertained to a period in 2019, and shortly after lockdown, and as the Panel was not presented with any medical evidence prior to July 2023, the Panel did not consider the former officer's medical condition to be relevant when assessing the seriousness of the former officer's misconduct.

88. To be clear, the Panel was not provided with evidence of a medical condition that may have affected the former officer's judgment and did not find any mitigating factors in this regard.

Personal mitigation

89. Having assessed the seriousness of the Gross Misconduct found proven, the Panel then went on to consider the former officer's personal mitigation.

90. 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 that the former officer did not have any previous disciplinary matters recorded against him.

Outcome

91. 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 the former officer's conduct. In doing so, we have given proper emphasis to the strong public interest in the maintenance of public confidence. We were also mindful of the declaratory purpose of maintaining high professional standards and for prevention and protection purposes.

92. The Panel reminded itself that paragraph 1 to Schedule 1 of the 2020 Regulations amends the definition of "disciplinary action for gross misconduct" in Reg 2(1) to mean "a finding that the officer concerned **would have been dismissed** if the officer had not ceased to be a member of the police force ..."

93. Further, paragraph 32 to Schedule 1 of the 2020 Regulations amends Regulation 42 to read as follows:

"42.— Outcome of misconduct hearing

(1) The persons conducting a misconduct hearing may, subject to the provisions of this regulation-

(a) where they find the conduct amounts to gross misconduct, impose disciplinary action for gross misconduct, or

(b) where they find that the conduct amounted to misconduct but not gross misconduct, record a finding of misconduct but take no further action".

94. In other words, as the former officer has already resigned, there are only two potential outcomes, namely disciplinary and no disciplinary action. Therefore, the Panel reminded itself that:

(i) If they were to decide that the conduct did not justify the sanction of dismissal, no disciplinary action would be taken; and

(ii) Disciplinary action can only be the outcome if the former officer would have been dismissed if had not ceased to be a member of BTP.

95. Given the Panel's findings that the former officer's culpability was very high and very high harm had been caused, **the Panel determined that the former officer would have been dismissed if he had not ceased to be a member of BTP.**

96. The nature and gravity of the former officer's misconduct was such that a sanction less than a dismissal without notice would not have maintained public confidence in and respect for the police service.

97. Therefore, **disciplinary action** is imposed for the former officer's actions.

Right of Appeal

98. The former officer 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 outcome document

99. The Chair directed publication of the outcome decision, subject to the harm test and the continuing non-identification of Female A and Female B, pursuant to Regulation 43(6) of the 2020 Regulations.

Chiew Yin Jones – Legally Qualified Chair
David Scott – Independent Panel Member
Superintendent Dominique Ioannou – Police Panel Member

6 January 2026

Appeal Notice

You have a right of appeal to the Appropriate Authority, but may only appeal on the following grounds:

- The finding or disciplinary sanction imposed was unreasonable;
- There is critical new evidence that could not have reasonably have been considered at the misconduct hearing; or
- There was a serious breach of the procedures set out in the British Transport Police (Conduct) Regulations 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action

If you wish to appeal you must do so in writing to the British Transport Police Authority. Please email btpa-enquiries@btp.police.uk within 10 working days of receipt of this letter. Your letter should state the grounds for appeal, whether you require a transcript of the hearing in whole or part and whether or not you consent to the appeal being dealt with without a hearing.