

## Police Misconduct Hearing

City of London Police

In the matter of :

**PC Mathieu Merenda**

**Panel:** Commander Umer Khan (chair), Ms Amanda Harvey, Ms Sadhana Patel

**Legally Qualified Person:** Ian Comfort

### **INTRODUCTION**

1. The misconduct hearing for PC Merenda was held in public on 10-19 February 2025. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 ('the Regulations').
2. The City of London Police ("CoLP"), as the Appropriate Authority ("AA"), was represented by Ms Victoria von Wachter, counsel.
3. PC Merenda attended and was represented by Ms Aqsa Hussain, counsel.

### **BACKGROUND**

4. PC Merenda started his career as a police officer with CoLP in 2014, having previously been employed as a police community support officer.
5. In June 2020, he was involved as a traffic officer in a motoring incident. On 17 August 2020, he was placed on restricted duties whilst the matter was investigated. On 17 January 2022, in relation to the incident, he was convicted of driving a motor vehicle on a road without due care and attention. He received a fine of £75 and his licence was endorsed with three penalty points. On 19 January 2022, he was removed from restrictive practice and the matter was dealt with internally through the Reflective Practice Review Process.
6. Following this, although he wanted to return to traffic, PC Merenda accepted a post as a tutor for the learning and development department at CoLP. At this time there was increasing pressure on the need for trainers as CoLP was recruiting a significant number of new officers. PC Merenda was primarily responsible for delivering traffic law to three new cohorts of student officers. The purple cohort commenced training in April/May 2022. Pink and orange

cohorts started in August 2022. Each cohort had around 15 male and female students.

7. On 6 October 2022, PC A (pink cohort) reported to the professional standards department that she had been the victim of unwanted sexualised and humiliating comments and behaviour, made by PC Merenda, since joining CoLP.
8. On the 11th October 2022, PC B (orange cohort) made a disclosure that she had been the victim of sexual assault by touching by PC Merenda.
9. Following an investigation other complaints of sexualised conduct were alleged by other students.
10. PC Merenda in his regulation 31 response and interview largely denied the allegations. He accepted some of the comments but stated that they have been taken out of context. He denied breaches of the standards of professional behaviour.

## **ALLEGATIONS**

11. In the course of the hearing the panel heard submission by the parties in relation to amendments to the allegations. The panel agreed that no injustice was caused to PC Merenda by the proposed amendments.
12. The allegations made against PC Merenda are set out in the Regulation 30 notice, with agreed amendments highlighted in bold and original wording struck through:

### ***“Allegation 1***

- i) You engaged in a disproportionate and inappropriate level of communication with junior student constables, both male and female, in person and while acting as a teacher, with responsibility for developing these students and teaching them relevant policing topics as follows:*
- ii) Student PC C reported your behaviour whilst in a classroom environment as ‘sexually charged’. He also reported you as freely sharing details of your sexual infidelity with friends of your wife. It appeared to him that you were signalling your availability for relationships with your students.*

- iii) *Student PC D reported that from the start of her teaching experience with you, you made sexual jokes and inappropriate sexual comments in class.*
- iv) *Student PC E reported that when teaching you would invariably make sexual jokes. She further reported that when she asked you for assistance with ordering a pair of uniform trousers you responded by making a joke about taking inside leg measurements and getting 'sticky fingers'. She told you that this comment was inappropriate and had made her angry.*
- v) *On another occasion, you recounted to her information that you had obtained from a sex worker and details of her preferred practices.*
- vi) *Student PC F reported that from mid-August 2022 he remembered you making sexualised jokes or jokes with sexual innuendo, which increasingly disturbed him as the course continued. He reported finding it 'creepy' that you favoured encounters with a female student officers who were all junior to you and considerably younger than yourself.*

*In doing the above you breached the standards of Authority, Respect and Courtesy insofar as you failed to maintain the appropriate professional boundaries between yourself and the junior colleague. In so doing, you failed to follow the College of Policing Statutory Code of Practice and NPCC guidance on relationships at work at paragraph 6.*

*You further breached the standards of ~~Equality and Diversity~~ **Authority, Respect and Courtesy** in so far as you engaged in sexualised communications in order [to] promote [an] inappropriately intimate relationships with the above mentioned student officers by exercise of your position as a senior or tutor constable. You therefore failed to abide by the NPCC Code on use of position to pursue an improper emotional relationship, which stipulate that a power imbalance must not be used to initiate control or maintain a personal relationship.*

## **Allegation 2**

- i) *You engaged in inappropriate communication with a student for whom you were responsible in that:*

- ii) *on or around the 26 August 2022, you sent student PC A an emotionally charged text message to her private mobile phone, berating her for leaving without saying goodbye. This message was seen by other students. PC A maintains that she had not given you her private mobile number and so assumed that you had acquired this from the police*
- iii) *You had previously quizzed PC A about her personal circumstances and whether or not she had a boyfriend and whether she wanted one. On the same occasion you asked her out for a drink, which offer she ignored.*
- iv) *On another occasion and when PC A asked you to order her a new warrant card holder, you asked her 'what is in it for me', which she interpreted as inviting sexual favours.*
- v) *On yet another occasion and whilst PC A was struggling to install a ~~three pin plug into a socket~~ **lead into a laptop** you asked her words to the effect 'what else do you struggle to put in?' PC A interpreted this as a sexualised comment. This was witnessed and recalled by PC C, who took the comment to mean a reference to a penis and sex.*

*In doing the above you breached the standards of Authority, Respect and Courtesy insofar as you failed to maintain the appropriate professional boundaries between yourself and the junior colleague. In so doing, you failed to follow the College of Policing Statutory Code of Practice and NPCC guidance on relationships at work at paragraph 6.*

### ***Allegation 3***

- i) *On or around 14 September 2022 and whilst many of the students under your direction and control were clustering round the table looking at a document. [sic]. Student PC B, being short, was leaning across the table to view the document when she felt you place your arm across her back and you [sic] other hand on her hip. You then pushed her down towards the table which later caused her to push back into your groin area believing your actions to be horseplay by one of her female colleagues. On discovering that you were the perpetrator, PC B was upset and disgusted by this behaviour. This was witnessed by four student PCs: G, H, E and F.*

*In doing so you breached the standards of ~~Equality and Diversity~~ **Authority, Respect and Courtesy** in so far as you engaged in sexualised behaviour in order [to] promote [an] inappropriately intimate relationships with the above mentioned junior officer by exercise of your position as a senior or tutor constable. You therefore failed to abide by the NPCC Code on use of position to pursue an improper emotional relationship, which stipulate that a power imbalance must not be used to initiate control or maintain a personal relationship.*

***Discreditable Conduct***

*In doing all or any of the above mention acts, you behave in a manner both on and off duty which discredit the police service and which would undermine confidence in the service.*

***Assessment of conduct if proven.***

*Your conduct, if proven, is so serious that dismissal could be justified and your conduct has been assessed as gross misconduct.”*

**EVIDENCE**

13. In preparation for the hearing the panel was provided with an electronic bundle totalling 471 pages. This evidence included but was not limited to notices, minutes of a fact finding meeting, witness statements, a transcript of interview, and PC Merenda’s response.
14. In the course of the hearing, and with the agreement of the parties and the panel, the following additional documentary evidence was provided:
  - i) Statement of DC Guy;
  - ii) Two statements of DC Clark;
  - iii) Statement of A/PS I;
  - iv) Standard Operating Procedures – Dealing with Unsatisfactory Performance and Unacceptable Behaviour;
  - v) Screen shots of WhatsApp messages between PC Merenda and PC B;
  - vi) Copy of written warning given to PC B regarding plagiarism; and

- vii) Photographs and layout drawing of training room.
15. The Panel received oral evidence on behalf of the AA from:
- i) PC A;
  - ii) PC B;
  - iii) PC C;
  - iv) PC D;
  - v) PC F;
  - vi) PC H; and
  - vii) DS J.
16. PC Merenda gave oral evidence at the hearing. PC K gave evidence on behalf of PC Merenda.

#### **THE PANEL'S APPROACH**

17. The panel took account of the comprehensive opening note provided by the AA and the advice provided by the Legally Qualified Person.
18. The panel adopted a four-stage approach when considering the allegations:
- i) to consider the facts of the case and to make its findings of fact in relation to each of the allegations;
  - ii) to determine whether those findings of fact found constitute a breach of the relevant standards;
  - iii) to determine whether the conduct found proved amounted to misconduct or gross misconduct; and
  - iv) dependent on the findings under(i)-(iii)above, to decide what the outcome should be.
19. The panel had regard to a framework of regulations and guidance, in particular the following:
- a) The Police (Conduct) Regulations 2020 and the Standards of Professional Behaviour as set out in the Schedule 2;

- b) The Statutory Guidance on Professional Standards, Performance and Integrity in Policing Issued by the Home Office (“the 2020 HOG”) – particularly Sections 1 to 3 which detail the Standards and the procedures expected to be followed;
  - c) The College of Policing Code of Ethics (2014);
  - d) The College of Policing’s Guidance on Outcomes in Police Misconduct Proceedings (2023 edition) (“the Guidance”);
  - e) The College of Policing and National Police Chiefs Council Guidance on appropriate personal relationships and behaviours in the workplace (2019)
20. In reaching its decision the panel has borne in mind that the burden of proof rests on the AA. PC Merenda does not need to prove anything.
21. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, that is to say whether it is more likely than not that the events occurred. When considering the standard required the panel had regard to the case of *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*:  
*“A serious allegation requires careful analysis of the evidence taking account of inherent probabilities or improbabilities of an event happening. However there is no different standard of proof or especially cogent type of evidence required.”*
22. The panel was mindful that it was entitled to draw proper inferences from the evidence, but it must not speculate. It bore in mind that it should not confuse grounds for suspicion with evidence sufficient to prove, on the balance of probabilities, a serious allegation against a police officer and that it should only draw an inference if it could safely exclude other possibilities.
23. The panel took into account the principles derived from the case of *Gestmin SGPS S.A. v Credit Suisse [2013] EWCA 3560 (Comm)* in relation to the credibility of witnesses and the reliability of evidence. In particular, how human memory is fallible, memories are fluid and malleable, external information can intrude into a witness’s memory, events can be recalled as memories which did not happen, and that considerable interference with memory can be introduced when preparing for a trial.

24. The panel took into account the case of *Chief Constable of Wiltshire v Police Appeals Tribunal (Paul Woollard Interested Party) [2012] EWHC 3288 (Admin)* and noted that in order to prove a breach of the Standard relating to Discreditable Conduct it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient that the officer's behaviour had the potential to do so.
25. In considering misconduct, the panel applied the following:
- a) the definition of misconduct at Regulation 2(1): "*a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action*".
  - b) the definition of gross misconduct at Regulation 2(1) : "*a breach of the Standards of Professional Behaviour so serious as to justify dismissal*".
26. The panel listened carefully to all the oral evidence. It read and carefully considered every item of the other evidence before it. It considered the totality of the evidence and submissions made. In this determination it does not deal with each, and every aspect of the evidence or submissions made, but states its main conclusions.

## **FINDINGS OF FACT AND MISCONDUCT**

27. Only findings of fact relevant to the allegations, and those necessary for the panel to determine, have been referred to in these reasons. In reaching its findings, the panel has considered and taken into account all of the evidence. It has included the salient evidence where appropriate in its findings.

### **Allegation 1**

28. The stem of this allegation is:

*You engaged in a disproportionate and inappropriate level of communication with junior student constables, both male and female, in person and while acting as a teacher...*

29. The stem is supported by the evidence of PC's C, D, E, and F.
30. The panel found that the evidence of PCs C, D and F supported the matters set out in paragraphs (ii), (iii) (vi) of the allegation. These paragraphs all reference



students reporting that they heard sexualised language used by PC Merenda in the classroom.

31. All three officers gave oral evidence and provided written statements in October/November 2022. The panel accepted that their evidence was based on their interpretation of the language used by PC Merenda, and for PCs C and F, their opinion of PC Merenda's intentions.
32. In relation to PC E's evidence, she did not attend and her evidence was admitted as hearsay. The making of sexual jokes that she reports at the start of paragraph (iv) is supported by the evidence of others and the panel therefore gave it some weight. Her remaining evidence in relation to paragraph (iv) and (v) is not supported by others and as the sole and decisive evidence the panel gave this no weight and did not take it into consideration.
33. The panel considered whether the student constables had colluded in some way to bring allegations against PC Merenda. It concluded that there was little evidence to support this. The panel also considered whether each of the student officers could have misunderstood what PC Merenda was saying and the way he was saying it. It did not find that credible. The student officers all report PC Merenda using sexualised language on a number of occasions. The panel was satisfied that it was more likely than not that this is what happened.
34. In summary, the panel found paragraphs (ii), (iii), the first sentence of (iv) and paragraph (vi) proved in that the communication described by the student constables was inappropriate in all of the circumstances.
35. The panel considered whether the matters found proved amounted to a breach of the standard of Authority, Respect and Courtesy as set out in the Allegation.
36. PC Merenda was a tutor for a new intake of student constables. This is a critical position as a tutor is a role model and sets the standard expected of officers. The use of sexualised language was not only inappropriate but also unacceptable. In his evidence, PC Merenda, said that that he had a 'sarcastic tendency' and that he 'wanted students to relax as they learn better in that environment'. He said that it was not his intention to say anything inappropriate; however, 'there were some occasions when things came out wrong'.

37. The panel was satisfied that PC Merenda failed to maintain the appropriate professional boundaries between himself and the student constables. In so doing, he failed to follow the College of Policing Statutory Code of Practice and NPCC guidance on relationships at work at paragraph 6.
38. The panel considered the second breach of the standard as set out in paragraph 8 of Allegation 1. Although the panel found that this standard was breached in that PC Merenda engaged in sexualised communications with the student constables by exercise of his position as a senior or tutor constable, there was insufficient evidence to say that he was seeking to promote an inappropriately intimate relationships with them.

## **Allegation 2**

39. The stem of this allegation is that:

*“PC Merenda engaged in inappropriate communication with PC A.”*

40. The panel considered the submission of bad character in relation to PC A. It related to an allegation that is yet to be determined. As such, the panel did not consider that it had any impact on her credibility or propensity to tell the truth.
41. PC Merenda accepted that he had sent the text message ‘*Can’t believe you left without saying goodbye*’ to PC A as alleged in paragraph (i). The panel found that objectively the message could be seen by a reader to be both emotionally charged and berating. PC Merenda said that this was not his intention.
42. The panel heard evidence and submission about how it was thought that PC Merenda obtained PC A’s mobile telephone number. The panel considered much of this to be speculation and, in any case, it was not material to the allegation.
43. In relation to paragraph (ii) PC Merenda accepted that he had a conversation with PC A about a boyfriend. There were both similarities and differences between his account of the conversation and PC A’s. Having considered the totality of the evidence, the panel was satisfied that it was more likely than not that PC Merenda did ‘quiz’ PC A about her personal circumstances, whether she had a boyfriend and whether she wanted one.

44. However, the panel concluded that there was insufficient evidence provided to say that it was more likely than not that PC Merenda asked PC A out for a drink. Accordingly, that aspect of this paragraph of the allegation is not found proved.
45. In relation to paragraph (iii) of the allegation PC Merenda accepted that he said “what’s in it for me”. PC A said that she interpreted this as wanting a sexual favour. PC Merenda said that his intention related to a gift of cake or biscuits as PC A had offered these to him previously. Taking account of the circumstances the panel had no reason to doubt PC A’s interpretation of what PC Merenda said.
46. Paragraph (iv) of allegation 2 relates to the laptop cable. PC A said that PC Merenda said words to the effect ‘what else do you struggle to put in?’. She interpreted this as a sexualised comment. PC C, said he heard words to the effect of “I bet that’s not the only thing you struggle to get in” and also took this be a sexualised comment. He said that there was laughter in the classroom following the comment. PC Merenda recalls saying “are you struggling to get that in?”. The panel acknowledged that there were slight inconsistencies in the recollection of the words actually used. However, it was clear from the evidence that both PC A and PC C interpreted what was said as sexualised and that it is reasonable to assume from the laughter that others in the class also had this interpretation.
47. In summary the panel found paragraphs (i), (ii) in relation to the conversation about boyfriend, (iii) and (iv) proved.
48. The panel considered whether the matters found proved amounted to a breach of the standard of Authority, Respect and Courtesy as set out in the Allegation.
49. Taking these matters together the panel was satisfied that PC Merenda failed to maintain the appropriate professional boundaries between himself and PC A. In so doing, he failed to follow the College of Policing Statutory Code of Practice and NPCC guidance on relationships at work at paragraph 6.

### **Allegation 3**

50. The panel took account of the evidence of PC’s B, F, E and H in relation to the matter and to PC Merenda’s explanation.

51. The panel first consider the submission of bad character in relation to PC B, which related to a tutor warning regarding plagiarism. The warning was not given by PC Merenda and there was no evidence to suggest that her actions were in revenge for getting the warning. The panel concluded that the tutor warning did not impact on PC B's credibility or propensity to tell the truth.
52. The panel also considered whether the student constables had colluded in some way to bring allegations against PC Merenda. It found little evidence to support this.
53. There was no dispute that  
*On or around 14 September 2022 and whilst many of the students under your [PC Merenda] direction and control were clustering round the table looking at a document. Student PC B, being short, was leaning across the table to view the document.*
54. The panel acknowledged the inconsistency in some of the evidence about what then happened, particularly that of PC F. However, all students referred to PC Merenda being physically close to PC B and coming into contact with her body. PC Merenda also accepted that he was physically close to her and came into physical contact with her body. He said that this was to prevent her treading on his boots.
55. PC Merenda said in evidence that the version given by PC E was closest to his recollection. PC E said that PC B stood up and made contact with PC Merenda. Others, including PC B, describe PC Merenda deliberately touching PC B and to some degree pushing her down. PC B and others give evidence as to her reaction about being upset and disgusted.
56. The panel found that it was completely unnecessary for PC Merenda to have remained in the space with the students and in such close proximity to PC B. He placed himself in a position where he was in her personal space and came into physical contact with her. The panel concluded that there was insufficient evidence to support the allegation that PC Merenda's actions '*caused her to push back into your groin area*'. This part of the allegation arises from the statement of PC E but is not corroborated.

57. Taking account of the evidence and all of the circumstances the panel found that it is more likely than not that PC Merenda did touch PC B on the back and hip and push her down.
58. The panel considered whether the matters found proved amounted to a breach of the standard of Authority, Respect and Courtesy as set out in the Allegation.
59. The panel found that PC Merenda had breached the standard in that he engaged in sexualised behaviour with PC B by exercise of his position as a senior or tutor constable. However, the panel concluded that there was insufficient evidence to say that PC Merenda was seeking to promote an inappropriately intimate relationships with PC B.
60. Taking account of the findings relating to the matters alleged the panel was satisfied that PC Merenda behaved in a manner which could discredit the police service and undermine confidence in the service.
61. The panel was satisfied that individually and collectively PC Merenda's actions were a serious falling below of the standards of conduct expected of police officers and were so serious that they could lead to dismissal. As such they amounted to gross misconduct.

## **OUTCOME**

62. Having determined the facts and associated misconduct, the Panel heard submissions from the parties regarding outcome. The Panel had sight of PC Merenda's service record as well as several positive testimonials.
63. PC Merenda provided a letter to the panel setting out his reflection on the findings of the panel in relation to the allegations.
64. In considering the outcome, the panel bore in mind the purpose of the police misconduct regime:
  - i) To maintain public confidence in, and the reputation of, the police service.
  - ii) To uphold high standards in policing and deter misconduct.
  - iii) To protect the public by preventing an offending officer from committing similar misconduct again by excluding them from the police service.

65. Ms von Wachter submitted that PC Merenda was culpable for his actions and that he was well aware of what he was doing. She said that even if his actions were unintentional they still caused harm to the students. She said these were serious matters that involved sexualised behaviour directed at junior officers that were in his care and control. She said that PC Merenda had abused the position of trust that he had as a tutor.
66. Ms von Wachter submitted that PC Merenda lacked the insight to be able to be trusted to behave appropriately in the future and that, as such, there was a risk that his behaviour would be replicated either inside or outside of the organisation.
67. With regard to PC Merenda's evidence about his lack of training, Ms von Wachter submitted that the matters were not about training but common sense. She submitted that a final warning would have no useful effect as PC Merenda was unable to appreciate the effect of his actions.
68. Ms Hussain said that PC Merenda accepted the panel's findings in relation to the allegations, breach of standards and gross misconduct. She said that PC Merenda was in a role that was not of his choosing. There had been no prior concerns about his behaviour and no concerns had been raised about the quality of his teaching.
69. Ms Hussain said that the period of time when the conduct took place was a limited period from mid-August to mid-September and no concerns had been raised about his conduct with the purple cohort. She submitted that PC Merenda had demonstrated some insight when he had reflected on losing control of the class.
70. Ms Hussain referred the panel to the specialist skills that PC Merenda had in relation to traffic and to the case of *Giele v General Medical Council* at paragraph 6.7 of the Guidance where it was stated that "*if erasure is not necessarily required, the skills of the practitioner are a relevant factor.*"
71. She submitted that this was a case where dismissal was not necessary and that public confidence in the police would be satisfied with a final written warning of any length. She submitted that PC Merenda genuinely wanted to

ensure that there was no repetition of his conduct and a final warning would give him the opportunity to rectify his behaviour.

72. In determining the appropriate disciplinary action, the Panel had regard to the Guidance including the need to
- a) assess the seriousness of the misconduct by reference to:
    - i) the officer's culpability for the misconduct;
    - ii) the harm caused by the misconduct;
    - iii) the existence of any aggravating factors;
    - iv) the existence of any mitigating factors;
  - b) keep in mind the purpose of imposing disciplinary action; and
  - c) choose the disciplinary action which most appropriately fulfils that purpose for the seriousness of the conduct in question (that is, to act proportionately).

### **Culpability**

73. In relation to culpability the panel took account of PC Merenda's role at the time. He was a tutor to a new group of young student constables, many of whom had no prior experience of working within the police service. He had a role of significant responsibility. He set the tone for the organisation and the police service in general. He was a role model both to male and female students.
74. All of the students that gave evidence referred to PC Merenda's use of sexualised language. Whether that language was intentional or unintentional, its risk of harm both to the students and the reputation of the profession should have been foreseeable to him.
75. In relation to PC A, PC Merenda's sending of a text message to her was deliberate and targeted. The fact that he gave little thought to how it may have been interpreted was a concern to the panel. It was also a concern that having had no response to his text message he stayed on to go to the Magpie public house, where PC A was drinking with student colleagues.

76. In relation to PC B, PC Merenda had the opportunity to move away from the group. He did not. He allowed himself to remain in a position where physical contact with PC B could easily have been avoided.
77. Taking all of these into consideration the panel determined that PC Merenda's culpability for his conduct was high.

### **Harm**

78. In relation to harm PC Merenda was not only responsible for his students' learning, he was also responsible for their well-being. It was clear from the evidence of PC's B and A that his actions caused significant distress.
79. The panel was conscious, however, that harm can take many forms and does not need to be suffered by a defined individual to undermine public confidence. Conduct which undermines discipline and good order in the police service, even if it does not result in harm to an individual, must be taken seriously. The issue of sexualised behaviour by police officers is a matter of both local and national concern. It is causing significant damage to the confidence that the public, and in particular women and girls, have in police officers.

### **Aggravating Factors**

80. Having determined culpability and harm the panel considered aggravating factors.
- i) PC Merenda was in a position of trust as a tutor and he breached that trust.
  - ii) This is a matter where there are multiple breaches of standards involving several students.
  - iii) The sexualised language was repeated over lengthy period of time. Although this was said to be only a month, it was a significant period in the formative stages of new student constables.
  - iv) The majority of police officers in the orange cohort were male. PC Merenda was a role model to them. He demonstrated to them a culture of sexualised behaviour that is unacceptable in the police service. PC D, for example, said *"I though this kind of behaviour might be part of police culture"*



- v) PC Merenda's actions towards PC A, as the panel determined in relation to culpability, were deliberate and targeted.
- vi) Despite PC Merenda's stated concerns that he did not have adequate training as a tutor, he did not seek advice from a senior officer or colleague on how to manage situations that he was encountering.

### **Mitigating factors**

81. In mitigation, the panel took into account PC Merenda evidence that he had not been given adequate training to be effective in his role as a tutor.
82. The panel considered the evidence of PC K and his description of the nature of the cohort that PC Merenda was responsible for. The panel concluded that this was not something that should be considered as mitigation.
83. Finally, the panel considered PC Merenda's insight. The allegations relate to matters in 2022, over 2 years ago. That passage of time had given PC Merenda an opportunity to reflect on the allegations. That is not to say that PC Merenda should have admitted all or any of them but that he had time to reflect on the impact such allegations could have on the public interest in relation to policing. At times in his oral evidence he reflected and said that, in hindsight, he could see how matters could be interpreted differently. The panel gave careful consideration to PC Merenda's letter where he accepts the findings in relation to both facts and misconduct. The panel considered the insight shown in that letter. It referred to the impact the allegations had on PC Merenda personally. It recognised that his words were received differently to the way intended. However, it makes no reference to the distress caused, particularly to PCs A and B, or to the damage to the confidence in policing that arises from such behaviour. The panel concluded that at best PC Merenda's insight could be described to be at an early stage of development. In these circumstances the panel concluded that there was the potential for a future risk of repetition of PC Merenda's behaviour.

### **Disciplinary action**

84. The panel gave careful consideration to the positive testimonials provided and to PC Merenda's service record. It also took into consideration the submissions made regarding the particular skills that PC Merenda had in traffic and how these would be lost to the police service were he to be dismissed.
85. However, the panel concluded that this is a matter where the word of Lord Carswell in the case of *Green* at paragraph 2.4 of the Guidance are pertinent. *'Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens, and the panel would add student police officers and other colleagues, feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded.'*
86. Having considered the seriousness of this matter the panel determined that PC Merenda's conduct was too serious to be dealt with by a final written warning, even with an extension to 5 years.
87. The panel, therefore, decided that the appropriate, proportionate and necessary disciplinary action to uphold standards, maintain confidence in the police service and mark the seriousness of the misconduct is dismissal without notice.

#### **Right of appeal.**

88. In accordance with Regulation 43(2), the Appropriate Authority shall provide the officer with a copy of this report and a notice of the right of appeal. The officer is reminded he has a right to appeal to the Police Appeals Tribunal ("PAT"). The PAT may increase or decrease any penalty or overturn our decision.

Commander Umer Khan  
Panel Chair  
27 February 2025