



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

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

FORMER POLICE CONSTABLE TAY DOCHERTY [9532]

[CASE REF CM/133/24]

Regulation 43 Outcome Report

Location: Ivason House, 8a London Bridge Street, London, SE1 9SG

Date: 20-22nd April 2026

Legally Qualified Chair: Eileen Herlihy

Independent Panel Member: Martin Pike

BTP Superintendent: Sue Peters

Outcome: Gross Misconduct

Sanction: Would have been dismissed if he had not already resigned

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

**APPROPRIATE AUTHORITY FOR BRITISH TRANSPORT POLICE
And**

FORMER POLICE CONSTABLE TAY DOCHERTY (“the Officer”)

CHAIRPERSON’S ACCOUNT

Date of Hearing: 20-22 April 2026

Person Chairing: Eileen Herlihy

Name of Panel Members: Martin Pike, Superintendent Sue Peters

DECISION OF THE HEARING

Allegation No	Allegation	Finding	Outcome
1, 2 and 3	Honesty and Integrity Authority, Respect and Courtesy, Discreditable Conduct	Proven	Gross Misconduct

The Allegations

1. With regards to the allegations as contained in the Regulation 30 Notice the Officer denies the Allegations. We have considered his Regulation 31 Response in reaching our decision. At the time of the hearing PC Docherty was no longer a serving officer but we have continued for ease of reference to refer to him by his rank as he was a serving officer when the misconduct process began.

Burden and Standard of Proof

2. We have taken into consideration that the burden is on the Appropriate Authority (“AA”) to prove on the balance of probabilities that the Officer behaved in the manner that is alleged; and that in doing so he breached the Standards of Professional Behaviour in the British Transport Police (Conduct) Regulations 2020 (“the Regulations”); and that the manner of the breach is of such a nature or degree that it amounts to misconduct or gross misconduct or neither. We have reminded ourselves that that we do not need to make a finding on every issue and need only make findings on those issues which we believe to be relevant and material to the Allegations.

The Hearing

3. The Officer was unrepresented, the Appropriate Authority (“AA”) was represented by Mr Matthew Holdcroft. We only heard oral evidence from a witness who we have anonymised as “Mr. A.” The Officer did not give evidence. We have also considered the following documents;

1. The AA's bundle of documents comprising the Investigating Officer's report, the statement of the Officer, statements of Mr A, transcripts of telephone messages and mobile telephone and dash-cam evidence and the documents listed in the Index thereto. Mr Holdcroft submitted a written Opening Note. The hearing was conducted in person and in public.

2. Regulation 31 response submitted on behalf of the Officer.

In addition, we have reminded ourselves that the overriding concern is fairness to the Officer concerned and the AA. Finally, we have reminded ourselves that the purpose of professional disciplinary proceedings is not, primarily punishment, but to protect the public and to maintain the high standards and good reputation of the Police Service.

Standards of Professional Behaviour

4. Throughout its decision-making the Panel bore in mind the relevant SPB in making its findings as set out in Schedule 2 to the Regulations. The Standards of Professional Behaviour alleged to have been breached by the Officer are:

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position (integrity limb only).

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

5. Findings of Fact

5.1 We have carefully considered all the evidence before us including the oral and audio evidence and transcripts in reaching our findings. We find that there appear to be many facts which are not in dispute in relation to material events and are admitted save for paragraphs 4,5,7 and 12 and in respect of paragraph 13 the Officer challenges the context in which he was asked the question. The Officer and Mr A were in an intimate relationship that Mr A ended on 27/5/2023. The Allegations relate to claims that following the end of the relationship the Officer communicated and contacted Mr A after he asked him to cease, went to his home area and followed Mr A causing him to fear for his

safety and made false criminal allegations against Mr A. It is further alleged that the Officer disclosed to a friend of Mr A that he had given the Officer a sexually transmitted disease.

- 5.2 The Panel carefully considered the evidence from Mr A and we find him to be a credible witness who willingly answered all the questions put to him, some of which were not always pertinent to the issues before us. We find that his evidence is highly consistent across all his accounts including his five witness statements, his oral evidence and his account as recorded in the Kent Police Crime Report commencing at page 64. We find he was measured in his evidence and did not seek to embellish his accounts and did not have any motivation to lie nor was he motivated to cause any professional harm to the Officer and that he expresses concern for the Officer. Mr A's accounts were corroborated by the evidence of the texts, telephone and dash-cam recording.
- 5.3 We heard no oral evidence from the Officer and he gave a no comment interview when interviewed. In response to a question from the Panel the Officer confirmed that he was relying upon his witness statement at page 55 and his Regulation 31 response. He has however admitted that he did lie to Mr A when he falsely claimed that he had been told that Mr A had cheated on him.

Paragraphs 4, 5 and 12

- 5.4 These allegations set out in these paragraphs relate to claims that the Officer communicated and made contact with Mr A after Mr A asked him to cease, that the conduct was unwanted and made Mr A fear for his safety. There is evidence at pages 150 and 171 that Mr A requested on 31/5/2023 (following the break up) that they break all communication for a while. This was after the Officer had admitted that he had lied when he wrote in a message to Mr A, the day before on 30/5/2023, that he had heard a rumour that Mr A had cheated on him, which Mr A vehemently denied. Mr A stated that the rumour had hurt him and after the Officer had further messaged him Mr A blocked the Officer from messaging him and he sets out in his statement at page 123 that the messages had made him feel uncomfortable.
- 5.5 The evidence shows that the Officer continued to message Mr A whilst he was blocked on 2nd June and called him on his work mobile on 5th June. He also sent a message to Mr A's mother and called her on 1st and 3rd June respectively. Mr A unblocked the Officer on 5th June and gave a credible explanation why he did, saying that he didn't want a drama, that he and the Officer could come across each other at work and that he unblocked the Officer to be a good person. His statement at page 124 sets out that the Officer had told him he was going to have a breakdown and Mr A said he did not want the Officer to suffer. After the unblocking, the Officer's previous messages that he had sent on 2nd June (whilst blocked) came through but Mr A did not reply and it is his evidence that the

messages made him feel uncomfortable. Mr A's evidence is that the Officer messaged and called him on 6/6/2023 saying he was anxious which is supported by the evidence of a message at page 180 and Mr A asked the Officer to stop calling him. We find that the Officer had not respected Mr A's request not to message or contact him notwithstanding that Mr A had clearly indicated he wanted a break from contact and had reinforced this by blocking the Officer.

- 5.6 After the Officer made an allegation of abuse against Mr A, he was told not to contact him and this is evidenced by the email exchange between the Officer and Inspector Boulter on 21/6/2023 at pages 211-212. The Inspector reminded the Officer that he should stop contacting Mr A "as was explained in person with you last week." The Officer has not denied that he was not the source of the No Caller ID calls referred to by Mr A in his statement commencing at page 122 made to him on 20th, 28th and 29th June 2023. We accept Mr A's account that during a second withheld number call on 29/6/2023 the Officer asked Mr A not to hang up, and that during this call Mr A reminded the Officer that his Inspector had told him to stop making contact and had told him not to call again. The evidence before us is that Mr A requested a change of telephone number the following day on 30/6/2023 (as evidenced at page 193). We find that this is a highly significant step given the upheaval caused by such an action.
- 5.7 We find that the Officer clearly knew the contact was unwanted and made Mr A uncomfortable as Mr A had clearly communicated this. He had also been told to cease contact by his Inspector. The evidence at page 266, being a recording of the encounter at Redhill Station on 5/7/2023 is very stark when Mr A can be heard saying that he does not have the Officer on Snapchat, has blocked his calls, doesn't have him on Instagram, has blocked him on WhatsApp and has blocked him on everything. Mr A's actions clearly demonstrate that he did not welcome any contact.
- 5.8 In his Regulation 31 response the Officer says that from the evidence presented Mr A was never clear about whether he wanted contact. We find that from Mr A's evidence, written accounts and his actions in blocking the Officer from any means of contacting him and changing his telephone number, that the Officer knew the contact was not welcomed or wanted. We find that the fact that the Officer resorted to contact through a work number, and also contacted Mr A's mother and his friend Maria, reinforced the message given by Mr A that he did not want contact as he was denying the Officer any channels in which to effect contact. Mr A's evidence is also supported by the evidence of his mother who blocked the Officer following his message and call to her, and by his friend Maria who did not respond to his message. The Officer in written response dated 21/12/2023 to a report of harassment made by Mr A to Hertfordshire Police against him at page 93 says that he did initiate contact following the breakup, ..." however at no point was I aware that contact was unwarranted." We do not find that this statement is credible as Mr A had repeatedly verbally

and by his actions demonstrated that he no longer wished to communicate or to have contact with the Officer, which requests the Officer repeatedly ignored.

- 5.9 We also find the evidence of Mr A that he feared that the Officer might cause him harm when he appeared at Redhill Station just before 1 am as Mr A was leaving the station after completing a shift at work to be entirely credible and consistent across all his accounts. In his oral evidence, when asked about his safety and why he was in fear of the Officer, Mr A said it was because the Officer was unpredictable and was a potential danger and the Panel found that to be a compelling answer. Mr A says he was fearful not just of a risk to himself but that there might be a risk in the future to other vulnerable people or that the Officer might be a risk to himself. His account is supported by the evidence of this encounter that took place miles from the Officer's home, in the dark and when the Officer had no good reason to be at the location. Mr A's account of his fear and distress is entirely credible and consistent given all that had gone before in terms of the unwanted phone calls, the blocking of the Officer from all contact via mobile phone or social media and his changing of his telephone number. Mr A's fear is apparent from the phone recording where he says he is recording for his own safety.
- 5.10 The Officer's actions were referred to the CPS for a decision on prosecution. Their advice at page 121 states had it been reported/charged within the statutory time limit they would have recommended prosecution for harassment
- 5.11 We find that the Officer's behaviour in continuing communication and contact with Mr A after being asked on a number of occasions to cease doing so was perceived by Mr A as oppressive and harassing and that his behaviour created an intimidating and humiliating environment for Mr A. The Officer failed to show respect and courtesy towards Mr A and demonstrated a lack of self-control.

Paragraph 14

- 5.12 The Officer does not deny sending the message and we find that this is a disclosure to a third party of highly sensitive information that was sent to harass and harm Mr A and to show him in a negative light to his friend. The message was sent after Mr A had blocked the Officer from all means of contact and had changed his telephone number. We find that the Officer failed to respect very personal information that he knew about Mr A and that the message was sent in order to humiliate and embarrass him. Again, the Officer failed to show respect and courtesy towards Mr A and demonstrated a lack of self-control.

We find the facts set out in paragraphs 4, 5 and 12 proven and together with the remaining admitted background facts find that these amount to a breach of the SPB of Authority, Respect and Courtesy.

Paragraph 7

- 5.13 The facts set out in paragraph 7 allege that the Officer made a false criminal complaint against Mr A on 12 June 2023. The Officer made a witness statement appearing at pages 55-57 and alleged that Mr A had assaulted him, had controlled and isolated him from his friends, subjected him to unwanted sexual conduct and verbally abused him. Mr A believes that the Officer made these allegations in order to harm him because he had ended their relationship. The Officer denies that the criminal complaint is false and stands by his witness statement and says it is true.
- 5.14 The crime report from Kent Police at page 53 notes that Mr A was voluntarily interviewed in respect of the allegations but no copy of the interview was made available to us. Mr A's responses are noted in the rationale at page 53. He stated that with regard to the allegation of sexual assault where the Officer alleged that on many occasions when going up and down stairs Mr A would poke fingers up his bottom, through his clothing, this was consensual and that they did it to each other. Mr A said that the alleged assaults consisted of a tap and he categorised an alleged kick as playfighting, but admitted he had squeezed the Officer's chest to feel his pecs. Mr A denied accessing the Officer's phone and didn't tell him what to spend money on and that there had only been one friend who he suggested the Officer should not see as he had a criminal record. The allegations were put to Mr A at the hearing and his oral evidence before us was entirely consistent with what he had said to Kent Police. We find his evidence to be credible and noted that he did not attempt to deny the sexual touching or the physical kick but stated that this had occurred within the context of an entirely consensual relationship. He admitted he had spoken to the Officer about a friend who lived at his address who smoked weed advising against seeing him and that he had proposed that the Officer try and save more money.
- 5.15 We find that there was no evidence to support these allegations and the Officer never sought to submit evidence from any friends or to show how Mr A had controlled access to them. Nor was there any evidence of the Officer closing any accounts/cancelling direct debits because Mr A was controlling his spending or that Mr A had any access to the Officer's accounts or to his phone so as to do this. We have already found Mr A to be an entirely credible and honest witness in relation to the harassment he endured from the Officer. We see no reason to doubt his denials and explanations and note that no criminal charges were made against Mr A. We find that the Officer however has made claims that were untrue. He admitted he had falsely accused Mr A of cheating.

He had claimed that Mr A had not returned his house key but it is clear from the police report that he had not requested their return. In his oral evidence Mr A gave a credible account about arrangements that had been put in place for the keys to be given to a Federation Representative as he did not wish to see the Officer in person.

- 5.16 We find that the evidence before us supports the claim that the Officer knew his allegations were false and that he was categorising and exaggerating minor incidents in the relationship, such as the alleged assaults so as to cause harm to Mr A. We note his inconsistent actions after making and reporting Mr A's behaviour. The Officer advised Mr A's mother the same day he made the allegations that he would withdraw them; he requested the case to be closed two days after he had contacted PSD stating he would not support a prosecution of Mr A and then informed the police on 15/6/2023 that he supported a prosecution. We find that the Officer realised the jeopardy he was in having made the allegations when he wrote to his Inspector in an email on 21/6/2023 that he would likely have to give evidence or risk being arrested. We note that in the phone recording made when he knew that Mr A was recording the encounter at Redhill Station that the Officer says at page 267 that he has not made up a word in his statement. However, when the conversation continues and, is unbeknown to the Officer recorded on the dash-cam at page 269, he replies to a statement from Mr A that the Officer chose to make false allegations against him and says. "Because I had a breakdown, I didn't do it on purpose. I told you, I didn't do it intentionally." We find that this is a clear admission in reply to the statement from Mr A that he had made false allegations that he knew the allegations were false. The Officer proceeds to apologise and says "I am sorry A, I'm so sorry." We find that this is unequivocal and that that the Officer knew he had lied when he claimed that Mr A had committed criminal offences.

We find the facts set out in paragraph 7 proven as a breach of the SPB of Honesty and Integrity.

Discreditable Conduct

- 5.17 **Given our findings in respect of Allegations 1 and 2 we also find that the Officer's behaviour amounts to a breach of the SPB of Discreditable Conduct and thus find that Allegation 3 is also proven.**

Gross Misconduct/Misconduct

- 5.18 We considered whether the breaches amount to misconduct or gross misconduct and gave this considerable thought, conscious of the duty to uphold standards generally within the police service and to maintain the confidence of the public. We find that the Allegations are serious. In

considering the issue of seriousness of the proven conduct, the Panel is aware that this is to be determined by reference to the Officer's culpability for the misconduct and the harm caused by his misconduct. The Panel took the view that the Officer is solely responsible for his proven conduct and knew that he should not contact or communicate with Mr A. This was aggravated by the behaviours being planned and repeated. We could not see any mitigating factors to diminish the seriousness of the breaches. The breach of honesty and integrity goes to the core of policing. The consequences of his behaviour affect the professional reputation of the police service and undermine the trust that the public and his colleagues could place in him. He caused significant harm and distress to Mr A. His behaviour had the very real potential to affect the professional reputation of the BTP and policing as a whole and undermine public confidence. We find the Allegations proven as gross misconduct.

Findings on Outcome

- 6.1 The College of Policing Guidance on Outcomes in Police Misconduct Proceedings is a document that clearly sets out the stages of the decision-making process. We have applied those Guidelines and that process to our decision-making today. The first stage of deciding on the outcome is to assess the seriousness of the conduct. The second stage is to keep in mind the purpose of the police misconduct regime. This has three elements: to maintain public confidence in and the reputation of the police service, to uphold high standards and deter misconduct, and to protect the public. The police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole. The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question. We were also mindful of 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 *Police Misconduct Panel v Officer "A" – Interested Party* [2020] EWHC 1400 (Admin) which emphasizes the importance of following the structured approach as set out in the College of Policing Guidance on Outcomes.
- 6.2 We have started by assessing the seriousness of the conduct and have considered the harm caused by the Officer's actions; the culpability borne by the Officer for his actions; the existence of any aggravating factors; and the existence of any mitigating factors. The Panel find that Allegations against the Officer are serious and did cause harm to Mr A making him fearful for his safety both at and outside of work and resulting him in receiving therapeutic support from BTP. It also caused distress to his parents and has the potential to cause serious harm to the reputational standing of the BTP and national policing in general and undermine public confidence. With regard to culpability, we find that the Officer's behaviour was deliberate, planned and repeated, being a sustained campaign over a period of several weeks. However, we find that the behaviour was a consequence of the breakdown of

the relationship with Mr A. The conduct was criminal in nature and an abuse of the criminal justice system. The Panel found the existence of the aggravating factor being the motive of wishing to seek revenge and cause harm.

- 6.3 With regards to mitigation no submissions were made in mitigation other than in reference to personal mitigation. We do acknowledge that the Officer was distressed at the time and was going through emotional turmoil caused by the breakup of the relationship. We also acknowledge that the Officer had a difficult childhood without role models and the absence of parents. We note that the Officer has an unblemished record of service. The Panel finds that this has limited weight when balanced against the public interest in maintaining public confidence for the police service and the serious impact that his behaviour could have upon the public confidence in policing.
- 6.4 The Panel then went on to remind itself of the purpose of police disciplinary proceedings which is to maintain public confidence in and the reputation of the police service, to uphold high standards and deter misconduct, and to protect the public.
- 6.5 We consider that it is fair, necessary and proportionate to make a finding that, had the Officer still been a member of the force he would have been dismissed.

Decision on Publication

We heard no representations as to whether the Panel's decision should be published. Our decision is that the decision should be published in accordance with the requirement in Regulation 43(6) since it is important that these hearings and decisions are transparent.

Chairperson's Signature:

E. Herlihy

Panel Member's Signature:

Panel Member's Signature:

Date: 24th April 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.