



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

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

DC MARK LUKER[2423]

[CASE REF CM/30/25]

Regulation 43 Outcome Report

Location: Ivason House, 8A London Bridge Road, SE1 9SG

Date: 9th-10th February 2026

Legally Qualified Chair: Stacey Patel

Independent Panel Member: Mark Dent

BTP Superintendent: Mark Cleland

Outcome: Gross Misconduct

Sanction: Dismissal Without Notice

IN THE POLICE MISCONDUCT HEARING

PUSUANT TO THE BRITISH TRANSPORT POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF:

DC MARK LUKER

DECISION OF THE PANEL

Stacey Patel (Legally Qualified Chair), T/Chief Superintendent Mark Cleland (Assessor Panel Member) and Mark Dent (Independent Panel Member).

A: INTRODUCTION

1. The misconduct hearing for DC Mark Luker (“the Officer”) was held in public between 9th and 10th February 2026 at Ivason House, London. A notice of hearing was published in accordance with the British Transport Police (Conduct) Regulations 2020 (“the 2020 Regulations”).

B: THE ALLEGATIONS

2. The Panel was referred to a Regulation 30 notice in respect of the Officer containing the allegations and that his conduct amounted to gross misconduct, namely:

Allegation of Gross Misconduct

Background

You were a member of a WhatsApp group titled ‘Selbie Gumshoes’ together with other members of your MSOC team.

Allegation 1

On Tuesday the 31st of December 2024, a conversation started about someone winning a bottle of whiskey which still had a security tag attached. You replied at 22.53 hours “Was this a raffle on a certain kind of site? Lots of mobile type homes? Lots of ‘Dags’”. You sent a further message at 22.54 hours saying, “You are the MSOC pikey liaison”.

Allegation 2

On Monday 17th March 2025, a conversation started by another group member with a video timed at 19:12 hours and a message stating “Paddy Day parade on [REDACTED] Just like a Disney World Parade. They know how to put on a show”. You responded at 19:13 hours, “Off to find some scrap metal, lead roofing and cable”.

Allegation 3

On Thursday 27th March 2025 at 16:53 hours, you sent a message saying, “Looking at who is booked to be travelling with [DELETED] tomorrow I think we are going to have one pissed of pikey family!!!!”

It is alleged that your messages, individually and cumulatively, breached the Standards of Professional Behaviour relating to Authority, Respect, and Courtesy, and Equality and Diversity. It is alleged that these matters individually and/or cumulatively amount to gross misconduct, namely a breach of the Standards of Professional Behaviour that, if proved, are so serious as to justify dismissal.

C: REPRESENTATION

3. The Appropriate Authority (“the AA”) was represented by Mr Ed Barham of Counsel. The Officer was present and represented by Mr Fraser Coxhill of Counsel.
4. The Panel would like to thank all parties for their assistance throughout the case, including the provision of an opening note and closing submissions.

D: PRELIMINARY ISSUES

5. The Officer mentioned matters relating to his health and it was agreed between the parties that these would be heard in private.

E: REGULATION 30 NOTICE

6. On the morning of the first day the Regulation 30 Notice, as set out above, was read out.
7. The Officer admitted sending the messages and breaching the Standards of Professional Behaviour of Authority, Respect, and Courtesy, and Equality and Diversity. The Officer accepted that the breaches amount to misconduct but not gross misconduct.

F: THE PANEL’S APPROACH

8. The Panel reminded itself it was: -
 - a. Required to consider the facts of the case and to make its findings of fact in relation to each of the allegations;
 - b. Determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the Complainant mounted to misconduct or gross misconduct.

9. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
10. The Panel have approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A secondary purpose is to be declaratory of high professional standards, and a final purpose is to protect the public by preventing similar misconduct recurring in the future.
11. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - a. The British Transport Police (Conduct) Regulations 2020 (the "Regulations") including the Standards of Professional Behaviour at schedule 2;
 - b. 2018 Home Office Guidance (the "HOG"), including in particular, chapter 1, summarising the Standards;
 - c. The definition of misconduct given at Reg 2(1) of the Regulations: "a breach of the Standards of Professional Behaviour";
 - d. The definition of gross misconduct given at Reg 2(1) of the Regulations: "a breach of the Standards of Professional Behaviour so serious that dismissal would be justified".
12. The Panel listened carefully to all of the oral evidence. They read and carefully considered every item of evidence before them. They considered the totality of the evidence and submissions made. They do not propose to deal with each and every aspect of the evidence or submissions made, but they state their main conclusions.

G: EVIDENCE

13. The Panel had been provided with the following documents:
 - a. Main Hearing Bundle comprising of 82 pages, including the Officer's Regulation 31 Response.
 - b. The AA's opening note.
 - c. The Officer's training record.
 - d. Mr Coxhill's "Closing Submissions".

The panel also heard from the following witnesses:

- a. DC Mark Luker

H: THE BACKGROUND

14. The matter referred to a WhatsApp group (titled 'Selbie Gumshoes') where DC Luker had posted racial and discriminatory language utilising the word 'Pikey'.

I: EVIDENCE

15. The AA relied on the witness statements and exhibits contained in the bundle.

DC Mark Luker

16. DC Luker described his service history. He stated that he was one of the first responders to the 2017 terrorist attack on London Bridge and one of his coping mechanisms for dealing with that day is grounding himself, which can involve the use of humour. DC Luker confirmed he had received Equality and Diversity training, but there was no specific mention of the Gypsy Roma Travelling community in that. He was now aware of BTP's Social Media Policy, and that all WhatsApp groups have a bearing on the organisation as a whole and should not contain any derogatory comments. The Officer also stated that he had possibly only dealt with one hate crime offence in his career.
17. The Officer confirmed that since sending the messages, he spoke to DC Chapman who is single point of contact from Gypsy Roma Travelling community to educate himself in the word 'pikey' and why it is inappropriate to use it. DC Chapman then produced the statement himself after the Officer had read all the allegations to him. In cross examination, the Officer denied ever saying that the messages were sent in a "safe setting" to DC Chapman.
18. DC Luker confirmed he was on the 'Selbie Gumshoes' WhatsApp group and accepted sending the messages where the words were used. He would actively contribute to the group daily, and it was a mixture of both professional and social use.
19. In the first message, dated 31/12/24, the Officer stated that it depicts a bottle of whiskey and a security tag on bottle, sent by [REDACTED]. [REDACTED] came from the [REDACTED] [REDACTED] [REDACTED], and it was a longstanding joke that the pair would refer to the island as 'Craggy Island' which comes from the programme *Father Ted*.
20. The Officer confirmed the reference to "dags" (meaning dogs) comes from the film *Snatch*. When asked in cross examination how *Father Ted* related to the Gypsy Roma Traveller community, the Officer replied that it was more linked to the film *Snatch*. The word "dags" is a reference to a joke in the film about the accent of the Gypsy Roma Travelling community. The Officer accepted in cross examination that this community are not portrayed in a positive light and linked to criminality in the film. Concerning his use of the term "pikey", the Officer stated that he grew up in west London with a lot of

Irish travellers and it was a word used to denote a traveller. He did not intend to use discriminatory language and was now deeply regretful and immensely sorry.

21. With regards to the second message sent on 17/03/24, the Officer accepted the implication of the message was to associate theft with the Irish traveller community. It was misplaced humour and just meant as a joke. The Officer denied using a lazy stereotype and did not intend to offend the Gypsy Roma Traveller community. By this time, the first message had been referred to PSD but the Officer was not aware and had not been challenged on it.
22. The Officer accepted saying in interview that he would not say the comments to a member of the Gypsy Roma Traveller community's face. However, this was based on his knowledge at the time he was interviewed and by that stage he had spoken to DC Chapman.
23. With regards to the third message, dated 27/03/26, the Officer accepted it was a word that he used to refer to Irish travellers, and he was not consciously using discriminatory language. There were some emojis in response to the message, but he was not sure who put them on.
24. The Officer stated that he did not knowingly make derogatory comments about Gypsy Roma and Traveller community in all the messages. He accepted that the phrase "pikey" was used synonymously with people stealing but that he did not intend it to be offensive. The Officer stated that he is not inherently racist, or holds any discriminatory views about any group, nor the Gypsy Roma Travelling community specifically. The Officer accepted that his conduct breached the Standards of Professional Behaviour and that it amounted to misconduct.

J: FINDINGS OF FACT

25. In making its findings of fact, the Panel had regard to all the documents contained in both the Regulation 30 and 31 Bundle, as well as oral evidence and submissions. The fact that each document is not referred to does not mean that each document has not been carefully considered.
26. The Panel has had regard to the fact that the burden of proof in this case is on the Appropriate Authority and that the civil standard applies, namely proof on the balance of probabilities. In line with the principle derived from *Byrne v General Medical Council [2021] EWHC 2237 (Admin)*, the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.

27. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, it must not speculate about what other evidence there might have been.

28. The Panel also considered the principles set out in the case of *R (Chief Constable of Northumbria) v Police Appeals Tribunal and Barratt* [2019] EWHC 3352 (Admin)

29. The Panel found, on the balance of probabilities, the allegations proved based on the Officer's admissions.

K: BREACH OF STANDARDS

30. Turning to the Regulation 30 Notice and the allegations found proved therein, the AA referred to the Standards of Authority, Respect and Courtesy and Equality and Diversity. The Panel has carefully considered those standards as relied upon within the Regulation 30 Notice and whether the conduct of the Officer has amounted to breaches of those standards.

31. The standard of Authority, Respect and Courtesy requires officers to act with self-control and tolerance, treating all people with respect and courtesy. The standard of Equality and Diversity requires Officers to act with fairness and impartiality and not to discriminate unlawfully and unfairly.

32. The Panel is satisfied that the Officer has breached the standards based on the Officer's own admissions.

L: DECISION ON MISCONDUCT

33. The Panel heard representations from both the AA and the Officer to whether the breaches amount to misconduct or gross misconduct.

34. When deliberating, the Panel has reminded itself of the need to protect public confidence in and the reputation of the police service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.

35. Turning to the disputed issues between the parties, the Panel directed itself to the messages themselves. As the Officer admits that the language used was discriminatory, the Panel assessed if it was a conscious or deliberate act.

Allegation 1

36. The Officer repeated throughout the course of the investigation and in evidence that he did not intend to use discriminatory language and when he used that word it was in the context of an ongoing joke with [REDACTED] and the programme of Father Ted. The Panel were unable to see the correlation between this joke and the contents of the messages which reference the Irish traveller community as associated with theft, indeed the Officer admits in his interview that he “*can’t explain this*” and “*he didn’t understand his own joke.*” The Panel therefore determined that the references to the island of [REDACTED] and his colleague [REDACTED] did not assist them in making their determination and considered them no further. The Panel also considered the Officer’s assertions that he used humour as a coping mechanism, and while Panel acknowledge the extremely difficult circumstances surrounding the Officer’s PTSD, there is no evidence that this is what caused him to send the messages and therefore the Panel did not take this into account.
37. Considering then the messages themselves, the Panel agreed with the AA that this was a conscious association of criminality with a specific demographic, namely the Gypsy Roma Traveller community. The Officer stated that there was no intent to be discriminatory, but the Panel found these were deliberate messages, that clearly link the Irish traveller community to acts of theft. The Panel noted that the messages were sent on New Years Eve and there is evidence within those messages that the Officer had been drinking. However, there was no suggestion by either party that the Officer was intoxicated at the time and therefore the Panel did not consider this further. There were various references to the film “*Snatch*”, and the Officer accepts that the Gypsy Roma Traveller Community were not portrayed positively in the film. Concerning the use of the word “*dags*” it was described to the Panel as a joke in the film where one character does not understand another due to an accent, and concerns specifically the accent of the Gypsy Roma Traveller Community. Even on this account, the mention of the word “*dags*” in the text messages was therefore still derogatory to the Gypsy Roma Traveller community as it references a point where their accent is mocked, and the Officer must have been very clear that this is what occurred as, on his own evidence, he had seen the movie “*in double digits*” and therefore had deliberately chosen to use words that are disparaging to the community.
38. Regarding the second message, “*MSOC Pikey liaison*” as this is a continuation of the above message and in response to a further comment about “*dags*”, and the Panel therefore find that this is a deliberate act of associating the Gypsy Roma Traveller community with theft and thus is derogatory in nature.

Allegation 2

39. The Officer stated in cross examination that this message was “*misplaced humour*” as said in context of [REDACTED] being on [REDACTED]. Having already found no correlation between this explanation and the messages, the Panel therefore concluded that this again was deliberate and discriminatory linking the Gypsy Roma Traveller community to theft.

Allegation 3

40. Having already found that the term “*pikey*” was used in a deliberate discriminatory manner in Allegation 1, the Panel concluded, on the balance of probabilities, that the Officer knew this was a conscious act and that it was disrespectful to the Gypsy Roma Traveller community.
41. Turning to the evidence as a whole, the Panel also found various inconsistencies in the Officer’s account which affect his credibility. Concerning the use of the term “*dags*” the Officer stated in his Regulation 31 response and in evidence that the background to this was the reference to Father Ted. However, in cross examination, having conceded this does not correlate to the messages, he changed to state that this was only in relation to the film ‘*Snatch*’. In addition, in relation to DC Chapman’s statement, the Officer stated for the first time in cross examination that he did not use the phrase “*safe space*” despite having numerous opportunities to clarify this sooner. Finally, in evidence the Officer stated that he would not have made these comments “*face to face*” with a member of the Gypsy Roma Traveller Community only in light of his current knowledge surrounding the terminology having educated himself with DC Chapman. However, this concept of ‘*face to face*’ was put to the Officer, on the panel’s count, at least 3 times in interview and he never once clarified that this was the position and the Panel therefore concluded that the Officer has changed his account in order to fit with the evidence. Furthermore, in interview, the Officer also conceded that he wouldn’t want the messages shown to the Gypsy Roma Traveller community because of “*the likelihood they would find it offensive*” and again, this was not submitted to be only in the light of his current understanding.
42. Finally, the Panel accepted that there is no evidence that BTP’s Equality and Diversity training covers the specific group of Gypsy Roma Travellers, and in fact, DC Chapman also confirms this. However, the Officer should have been aware of the Social Media policy and his comment in interview that he “*just never bothered to look at the policy*” was, the Panel concluded, extremely regrettable, especially because in interview, the Officer agreed that “*you have to be careful with what you write.*”
43. Taking all of the above into account the Panel did not accept the Officer’s explanation that he did not know that the use of the word “*pikey*” would be offensive, discriminatory and inappropriate to members of the travelling community. As an experienced BTP police officer used to dealing with a whole range of people, the Panel found that, on the balance of probabilities, he probably would have known that this was an especially offensive use of language directed towards members of a minority community.
44. The Panel therefore found all the allegations proved on a deliberate and conscious basis, and taking Mr Coxhill’s gradient of seriousness, to be at the top end. For these reasons, the Panel was entirely satisfied that the misconduct was properly to be categorised as gross misconduct.

M: DECISION ON OUTCOME

45. Regulation 42 (14) procedure provides that when considering the question of disciplinary action, before any such question is determined, the panel:

- a. Must have regard to the record of police service of the officer concerned.
- b. May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
- c. Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.

46. The Panel heard submissions from Mr Barham and Mr Coxhill as to the appropriate outcome. The Panel also had sight of the Officer's service record as well as the character bundle previously provided.

47. The Panel has regard to the Outcomes Guidance and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public, to maintain confidence in the police service, and to declare and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Outcomes Guidance. The Panel approached its decision on outcome in three stages to determining the appropriate sanction:

Stage 1: Assess the seriousness of the misconduct.

Stage 2: Keep in mind the purpose of disciplinary action

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

48. In assessing the seriousness of the conduct found proven the panel have had regard to four issues namely

- a. The Officer's culpability
- b. The harm caused by the misconduct
- c. The existence of any aggravating factors
- d. The existence of any mitigation factors

Stage 1: Seriousness of misconduct

Culpability

49. The Panel took account of paragraph 4.9 of the Outcomes Guidance which states that:

“The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome”.

50. The Panel also considered this to be deliberate conduct mentioned at paragraph 4.10

51. It is also a specific type of serious misconduct, namely discrimination, and at paragraph 4.57 the guidance states:

Cases where discrimination is conscious or deliberate will be particularly serious. In these circumstances, the public cannot have confidence that the officer will discharge their duties in accordance with the Standards of Professional Behaviour.

52. The Outcomes Guidance requires Panels to consider IOPC Guidelines and agreed with Mr Coxhill's submissions that not all allegations of discrimination are at the most serious end of the spectrum. All allegations must be assessed individually. The Panel therefore went on to consider points raised in the Guidelines to assess seriousness and found the following:

Harm or impact: This is a type of discrimination that can harm individuals and communities, as well as the significant impact issues of discrimination have on confidence in policing.

Intent: Having found the comments to be conscious the Panel noted that *“an allegation of discrimination will be more serious where there is an allegation or indication that the alleged discrimination was intentional”.*

Repeat behaviour: The Panel accepted Mr Coxhill's submissions at this stage that this was not repeated behaviour within the context of these IOPC guidelines.

53. Taking all of the above into account, the Panel determined that the Officer's culpability was high.

Harm

54. In determining harm, the Panel noted that no actual harm was caused to any individual. In coming to this conclusion, the Panel considered the statement of DS Fairweather and the impact that this had on him however as he states that he felt *“mainly disappointment”* this was insufficient to categorize it as harm.

55. However, the Panel also considered this is a type of reputational harm and noted paragraph 4.66:

Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that

undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

56. The Panel therefore concluded that harm was high.

Aggravating Factors

57. The Panel have identified the following aggravating factors:

- Repeated behaviour over a period of time.
- Multiple proven allegations and/or breaches of the Standard of Professional Behaviours.

Mitigating factors

58. The panel identified the following mitigating factors:

- The misconduct was brief in the context of a long career.
- Open admissions at an early stage.
- Early actions taken to reduce the harm caused.
- Evidence of genuine remorse, insight and accepting responsibility for one's actions.

Personal mitigation

59. The Panel has also considered the Guidance which states that personal mitigation is to be taken into account, however its impact will be limited in police misconduct hearings because of the need to maintain public confidence in the police. Mr Justice Burnett in Salter -v-The Chief Constable of Dorset [2012] EWCA Civ 1047 and [2011]EWHC 3366(Admin) at paragraph 73 concluded:

'...the correct approach for a decision maker is to recognise that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonesty. That terminology itself recognises that there may be exceptions. In concluding that the case is exceptional, the decision maker must identify the features of the circumstances of the misconduct which support a different conclusion, recognising that the number of such cases would be very small. The decision maker would take account of personal mitigation but must recognise its limited impact in this area.'

60. Nevertheless the panel considered the character references that were provided on behalf of the Officer which contained many references to his professionalism and dedication to duty. The Panel also accepted that the Officer is not inherently racist.

61. In addition, in considering proportionally, the Panel took into the account the outcomes of a Reflective Practice for other officers involved in the same WhatsApp group. However, the Panel were able to differentiate the Officer's actions as he was the only one who sent deliberate discriminatory messages and furthermore, the Panel made findings that have affected the Officer's credibility.

Stage 2: Keep in mind the purpose of disciplinary action

62. In considering the outcome, the Panel also bore in mind the purpose of the police misconduct regime which is threefold:

- (a) To maintain public confidence in, and the reputation of, the police service.
- (b) To uphold high standards in policing and deter misconduct.
- (c) To protect the public.

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

63. 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 officer's conduct. The Panel considered all the available outcomes, starting with the least serious, namely a Final Written Warning. The Panel seriously considered if the personal mitigation was sufficient to impose this but concluded that this outcome could seriously damage the standing and reputation of the profession as a whole. In addition, the Panel found that the threshold for dismissal has been met.

64. The conduct which the Officer has been accused of is incompatible with his role as a police officer. The allegations also involve discriminatory messages sent on a work WhatsApp group and because of that is particularly serious as it significantly undermines the trust that the public need to have in their police for the service to be effective and criminal justice system to be effective.

65. The Panel concluded that given the seriousness of the misconduct the only appropriate penalty having regard to the factors that it outlined above is dismissal without notice for gross misconduct.

66. **Right of Appeal.** 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 this decision.

Submitted on behalf of the Panel.

12/02/2026

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.