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

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

PC Klaudia Malec [8005]

CASE REF CM/65/24

Regulation 43 Outcome Report

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

Date: 5 – 9 October 2026

Legally Qualified Chair: Andrew Clemes

Independent Panel Member: Bernadette Leverton

BTP Superintendent: Chief Superintendent Sandra England

Outcome: Gross Misconduct

Sanction: Dismissal Without Notice

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

POLICE CONSTABLE 8005 KLAUDIA MALEC

The hearing was held at Ivason House, 8A London Bridge Street, London, SE1 9SG. The AA was represented by Counsel Gerry Boyle KC and PC Malec was represented by a Federation Representatives, Mr Jepson and Mr Patel.
The Regulation 30 allegation against PC Malec (hereafter 'the Officer') was as follows:

Allegation of Gross Misconduct

Set out below are the details of the conduct, which is the subject matter of the case, the breaches of the Standards of Professional Behaviour ['the SPB'] and how that conduct amounts to gross misconduct.

Particulars

Background and context

1. You joined the British Transport Police ['the BTP'] on 18th November 2019. You were signed off your probation on 8th November 2023. At the time of all of the alleged misconduct below you were a member of the BTP.

2. In or about May 2019 you commenced a relationship with a fellow BTP officer, PC A. You moved in together and were later married in December 2020. In January 2021 you had a son, Child A.

3. In or about 2023 you commenced a relationship with a man called Person B who had a partner named Person A. Person B was known to you as he worked in the barbers where your son Child A had his hair cut. You submitted a notifiable association in relation to your association with Person B in May 2023 (see further below).

4. During 2024 and 2025 you made applications to the Court and submitted statements to the Court at Peterborough which contained false information about PC A (see further below).

Allegation 1 – Domestic Abuse

5. On the night / early morning of 7th – 8th May 2023 at your home address and while off duty you subjected PC A to domestic abuse by:

a. Pulling him by the hair; and

b. Pulling him by / twisting his ear.

6. It is contended that your actions failed to meet the following Standards of Professional Behaviour :

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it.

Allegation 2 – Domestic Abuse

7. On the 3rd June 2023 at your home address and while off duty you subjected PC A to domestic abuse by:

a. Striking him on the head;

b. Hitting him repeatedly from behind;

c. Biting him.

8. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it.

Allegation 3 – Domestic abuse / Inappropriate conduct

9. You engaged in domestic abuse / inappropriate conduct towards PC A during and subsequent to your relationship (which included elements consistent with controlling and coercive type behaviour) as follows:

a. Threatening him by telling him you had 'so much shit' on him and that he would 'lose everything';

b. Threatening that you were going to take his pension, his savings and his house;

c. Threatening to make his life a misery;

d. Threatening that you could have him arrested;

e. Falsely accusing him of sexually assaulting you;

f. Falsely accusing him of stalking you;

g. Attempting to limit his access to his son unless he paid you money;

h. Falsely claiming that you were in such financial difficulty that your friend Grace Anderson had to buy you food;

i. Making insulting / offensive / derogatory comments to PC A with words such as or similar to

- *i. You're not a man you are a pussy*
- *ii. Don't cry, you're a coward, who chopped your balls off*
- *iii. Telling him he 'needed to be a man'*

iv. Suggesting he 'had no value as a father and as a man'

j. Telling him that you wished he would kill himself and/or that Child A would be so much better without you or words to that effect.

10. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that making false accusations is dishonest;

c. Honesty and Integrity (Integrity) in that making threats as set out above (individually or collectively) demonstrates a lack of integrity.

Allegation 4 – Inappropriate behaviour towards a member of the public

11. You engaged in inappropriate behaviour towards Person A, a member of the public who was the partner / former partner of Person B in that on or about the 6th May 2023 you exchanged messages with her and you made a threatening reference to the Malicious Communications Act.

12. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Integrity) in that making threats as set out above (individually or collectively) demonstrates a lack of integrity.

Allegation 5 – Failure to urgently report domestic abuse by male friend

13. On the night of the 6th – 7th May 2023 you witnessed via Facetime an incident of domestic violence / abuse taking place in which your male friend / associate Person B was throwing glass bottles around his female partner Person A's flat, pushed Person A
and pulled her hair. Despite the potential for Person A to be in immediate danger you failed to make an urgent 999 call to report the same in a timely fashion to a Home Office Force

14. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Integrity) in that failing to make an urgent 999 call to

report potential offences of domestic abuse / violence demonstrates a lack of integrity.

Allegation 6 – Notifiable association

15. On the 12th May 2023 you submitted a Notifiable Association form to the PSDIU of BTP in relation to your association with Person B which was false and misleading in that you:

a. Failed to inform BTP that you had been in a sexual relationship with Person B (who you knew to be known to police and was vulnerable due to his mental health);

b. Claimed that you had called 101 to report a domestic violence incident being committed by Person B towards his partner or former partner Person A, when you had not made any such call.

16. On or about the 12th June 2023 you received a reply to your report of Notifiable Association which informed you that should any changes occur to the nature of your association or to your circumstances you must report the same to PSDIU as soon as possible so that a revised assessment could be completed.

17. Subsequent to that letter you failed to declare that you had continued in a relationship with Person B and/or had engaged in further sexual relations with him during 2023.

18. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that making false and/or misleading claims is dishonest;

c. Honesty and Integrity (Integrity) in that making false and/or misleading claims and/or failing to update the PSDIU demonstrates a lack of integrity.

Allegation 7 – Provision of False Information to the Court

*****Heard in Private*****

20. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that providing false and/or misleading information is dishonest;

c. Honesty and Integrity (Integrity) in that providing false and/or misleading information demonstrates a lack of integrity.

Allegation 8 – Provision of False Information (Various)

21. You have provided false and/or misleading information in the context of your engagement with social services, in court proceedings and with police colleagues as follows:

a. On 3rd October 2024 (two days before your son was due to attend a family wedding with PC A) you contacted social services to report that you had noticed bruising to your son on Sunday 29th September 2024 after spending time with his father. You claimed you had reported finding the bruising to your son's nursery. The information you provided social services was false in that:

i. you had not reported finding any such bruising to your son's nursery (staff at the nursery had noticed bruising and reported it to you).

b. On 29th November 2024 in a risk assessment you falsely claimed that PC A hurt your child in that the child came home with bruises.

*c. ****Heard in Private*****

d. On 8th January 2025 falsely claimed to police colleagues:

i. that on an occasion when PC A threatened suicide he went into the garage and you heard a chair fall over, gagging noises and that you had called an ambulance.

22. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that providing false and/or misleading information is dishonest;

c. Honesty and Integrity (Integrity) in that providing false and/or misleading information demonstrates a lack of integrity.

The conduct set out above, individually or cumulatively, amounts to Gross Misconduct.

Preliminary points

The witness PC A was anonymised as PC A and his name must appear as that cipher in any publication of this decision. The child of the parties must be referred to with the cipher 'Child A". The evidence concerning Court proceedings was to be

marked as heard in private. We later resolved to refer to the participants ‘Person A’ as ‘Person A’ and ‘Person B’ as ‘Person B’.

The Panel had an agreed bundle of 689 pages and an addendum bundle of 45 pages. We also had been supplied with access to several audio and video clips. Before the hearing the AA had supplied us with an opening note. During the hearing we had a Cambridgeshire Police log of 48 pages. We were also supplied with written closing submissions by the parties.

At the assessment of seriousness and outcome stage we had written submissions and the Officer’s service record and character references on behalf of the Officer.

Legal principles

The facts of this case are the Panel’s responsibility. We can take account of the arguments advanced in the submissions we have heard from both advocates, but we are not bound to accept them. When it comes to the facts, it is our judgment alone that counts.

We do not have to decide every point that has been raised; we need only reach conclusions about those matters, which will enable us to determine whether any or all of the specific paragraphs in the Reg 30 notice, laid against the Officer, have been proved. We will naturally do this by having regard to the whole of the evidence and forming our own judgment about the witnesses, in terms of which evidence is reliable and which is not. Each Panel member brings to this case the benefit of their own experience and knowledge. However, the experience of any of its members is relevant only to its analysis of the evidence it has heard in the hearing room and read in the bundle. Evidence must not be introduced by a Panel member in the course of the Panel’s deliberations. The case must be tried solely on the basis of the evidence that has been heard in the hearing room or in the bundle the parties have access to; to place reliance on matters that the parties have not had the opportunity to hear, consider, or make submissions about would be wholly unfair.

In this case the AA must prove each of the heads of charge in the allegation that we are considering. The Officer does not have to prove anything. In deciding which facts, if any, should be found proved, we will apply the standard of proof applicable to civil proceedings, which is “on the balance of probabilities”. Case law has made clear that this is a single and unvarying standard. It means that a fact will be found proved if we consider it is more likely than not to have happened. In relation to dishonesty, case law has underlined the need for cogent evidence before such a finding is made but it does not have a different standard of proof.

Whilst corroboration of an account is admissible and might add to the credibility of an account, there is no legal requirement for corroboration of the account of any witness in allegations of this sort.

We must consider the evidence against and for the Officer on each part of each paragraph of the allegation separately. Our important obligation to consider each paragraph separately on its merits does not mean that we should ignore any other evidence, whether of background circumstances or otherwise. Indeed there is some

evidence which applies across the allegations and our findings of fact would need to be consistent. In other words, it could be that our decision on one aspect of the allegation might well assist us in coming to a conclusion on another aspect. Nevertheless, we must reach separate decisions on each limb having focused on the evidence for and against them individually.

Findings must be evidence-based, including inferences properly drawn from the evidence and not on conjecture or speculation. Drawing an inference is simply the process by which we might find, from evidence which we regard as reliable, that we are driven to a further conclusion of fact. We will need to be careful to ensure that the evidence really does lead to the conclusion the party invites us to reach. Speculation, or attempting to fit the evidence to a particular theory (by either side), is not the same as drawing an inference from reliable evidence.

The parties have narrowed the issues for us in effect by virtue of the content of the Reg 30 and Reg 31 notices. There are some admissions by the Officer on specific areas.

The Panel should ensure that it gives adequate and clear reasons for its decisions. The reasons will be adequate if it is clear to the parties why an account was not believed and why they had lost, taking account of their own understanding of the evidence and the arguments. The Panel should assess the evidence in the round

Assessment of the witnesses (including the Officer as she gave evidence) is a matter for the Panel but we reminded ourselves that we should not attach undue weight to demeanour. A witness's veracity should be tested by reference to the objective fact(s) proved independently of their testimony, in particular by reference to the documents in the case. Panels should make a rounded assessment of a witness's reliability, rather than approaching their reliability in respect of each charge in isolation from the others. Panels should not assess a witness's credibility exclusively on their demeanour when giving evidence.

We noted the definitions of dishonesty and integrity in the AA's opening note and were satisfied that these were an accurate reflection of the principles that we would have to apply.

The Officer's Regulation 31 notice set out clearly the areas where she wholly denied the allegations and the areas where she made some admissions and the extent of those admissions.

<u>The factual stage</u>:

The Panel heard from two witnesses: PC A called by the AA and the Officer called on her own behalf. We also were referred to documents and video/audio footage during the hearing.

We will not rehearse all of the evidence heard in this determination but will discuss what evidence we found to be relevant and how we applied it in order to explain how we reached our conclusions.

We noted that the allegations all arise from the breakdown of the marriage of PC A and the Officer which included video evidence as both parties seemed to be resorting to filming family interactions. As such, the evidence had the potential to be emotive and distressing for the parties. Nevertheless, we had to focus on acts and states of mind at the relevant time, not at the date of hearing.

We found that the allegations could be divided into different categories where our analysis of the evidence would to a degree be different. Allegations 1, 2 and 3 entailed for the most part assessing the credibility of PC A and the Officer and making a decision on which of the accounts given we found credible and reliable. In allegation 4, the Panel needed to consider the nature of the message sent to a member of the public Person A ("Person A") and the state of mind that the Officer had when she sent it to her. Similarly for allegation 5, we would have to have regard to what report, if any, was made by the Officer about the abuse that she admitted that she knew of and her state of mind when she made a choice about reporting it. For allegation 6, we would need to assess the Officer's decision about what she included in the notifiable association document supplied by her to BTP and her decision about whether that may need to be updated as time progressed. For allegation 7 we would need to make decisions on what facts we considered to be existing when the Officer completed forms for the County Court to obtain an injunction and then make a decision on whether her disclosure had been honest or not and whether she had acted with integrity. To a large degree, that process would also apply to our decision making on allegation 8.

As the sole live witness for the AA, we had regard to the evidence of PC A. We found him to be a credible witness whose account in many respects was supported by objective and/or documentary evidence or the accounts of others. We accept that there were some aspects of his testimony that did not add to his credibility (for example his admitted lie to the Officer over his communication with Person A; his acceptance that he had occasionally exhibited a 'dark' sense of humour; his occasionally poor conduct during the marital breakdown) but for the majority of his evidence we found that he gave a clear and coherent account.

We also assessed the Officer: we found that she frequently gave inconsistent accounts of incidents to which she had been a witness. She often resisted agreeing points where clear entries on documents were shown to her (for example, the demand for money before the Officer would allow PC A to see their son). We noted that she had resorted to abusive terms for 3rd parties – calling one female a 'germ' when in conversation on WhatsApp with Person B. That was unlikely to be appropriate terminology for a serving police officer. She had given differing evidence about how the physical interaction between herself and PC A had played out in Allegation 1 (variously a flat denial, applying pressure points and tapping him on the shoulder). She seemed to lack insight into the difference between making a threat and carrying one out.

We have taken into account the fact that the Officer does not have English as her first language, but we considered that she was fluent in English in any event.

Turning to the allegations we noted that there had been admissions made to the background paragraphs (1 and 2) and a qualified admission to paragraph 3 as the

Officer had denied that she and Person B were in a relationship and to paragraph 4 which she completely denied. We have reached determinations on these points in the detailed findings below.

The allegations then set out in detail the case against the Officer.

Allegation 1 – Domestic Abuse

5. On the night / early morning of 7th – 8th May 2023 at your home address and while off duty you subjected PC A to domestic abuse by:

a. Pulling him by the hair; and

b. Pulling him by / twisting his ear.

6. It is contended that your actions failed to meet the following Standards of Professional Behaviour :

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it.

We find this proved in both particulars (a) and (b).

We found PC A's account to be credible. He had just come off a shift and wanted to sleep before going back to work. He had gone to a quiet room upstairs to sleep and the Officer and her friend Enrika were drinking and dancing downstairs.

The Officer accepted that she had been drinking and her friend was there. She represented in an account given in January 2024 that her friend was a serving police officer whereas she now admits that her friend was not a police officer.

Her claim that she used 'pressure points' and then tapping him to wake him up are not consistent accounts.

When he challenged her the following morning, she denied any assault but included laughing emojis and said "I didn't hit you" although the allegation he made was different.

Despite her denial and her evidence to us, we are satisfied that PC A's account is credible and reliable and supported by his near contemporaneous account and we find it proved with the standard of Discreditable Conduct ~~is~~ being engaged and breached. This was an example of domestic violence. The Public would expect police officers not to commit acts of domestic violence.

Allegation 2 – Domestic Abuse

7. On the 3rd June 2023 at your home address and while off duty you subjected PC A to domestic abuse by:

a. Striking him on the head;

b. Hitting him repeatedly from behind;

c. Biting him.

8. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it.

We have considered the evidence around PC A's behaviour in the garage and are satisfied that it is likely that the Officer genuinely (albeit mistakenly) believed he was attempting self-harm of some sort. PC A states that he was moving around in the dark and then sat on his gym bench and was alternately crying and laughing, which may account for the gargling noises the Officer states that she heard, and which gave the Officer an understandable concern. We found that this had followed a bitter argument between PC A and the Officer where self-harm had been discussed.

We are satisfied that the Officer's genuine but mistaken belief at PC A's intentions in the garage caused an emotional reaction which then became physical and she attacked him. The injuries photographed by PC A appear in the bundle and are dated close to the allegation. They support his account, we find. The Officer claimed an injury to her knee. She also claimed an injury to her wrist as a result of PC A trying to grab her phone from her but neither injury is supported by any other evidence and we are satisfied that there were no injuries.

We reject the Officer's accounts that she tickled him to get her phone back and we conclude that his suffering these injuries from a pet's toy was at best speculative and lacked any foundation or credibility. We also find that her account to Cambridgeshire police to be lacking in credibility and find that she never called an ambulance. We noted differences in that account to others provided by her to third parties. She called it "pretending to kill himself" whereas her evidence now is that she believed he was making a genuine attempt.

The Officer also maintained that PC A took her phone off her when she was speaking to PC Ziolkowski but his statement makes no reference to the call being interrupted. She also told him that "the fight had ended" which is inconsistent.

The injuries came from the Officer's assault as described in allegation 2 and we find it proved.

Here the standard of Discreditable Conduct is also engaged and breached. This was another example of domestic violence. The Public would expect police officers not to engage in acts of domestic violence.

Allegation 3 – Domestic abuse / Inappropriate conduct

9. You engaged in domestic abuse / inappropriate conduct towards PC A during and subsequent to your relationship (which included elements consistent with controlling and coercive type behaviour) as follows:

a. Threatening him by telling him you had 'so much shit' on him and that he would 'lose everything';

The Officer had admitted in her Regulation 31 notice saying "so much shit" and words to that effect. In the video exhibit YC13 the Panel noted that the Officer uses both of these expressions and find it is made out - i.e. these words were used.

b. Threatening that you were going to take his pension, his savings and his house;

The Officer accepts using these words and explains the context. We find that the facts are made out. We noted also the SMS from Person B to the Officer at p. 480 of the bundle.

c. Threatening to make his life a misery;

PC A told us that the Officer had said these words. We are satisfied that his account is credible and that there is a pattern of threats around this time by the Officer to ruin PC A's life and finances. We find the facts proved.

d. Threatening that you could have him arrested;

We found that this threat was made based on PC A's evidence and note that the threat was followed up ultimately by PC A being arrested in November 2023, albeit no charges followed. We find these facts proved.

e. Falsely accusing him of sexually assaulting you;

There are various different places where an allegation of sexual misconduct against PC A is made: the Officer's application for an injunction; her witness statement at p. 328; in a video at YC13, although the last of those is not particularised; in her PSD interview. Taking the evidence in the round and noting the consistency of the claims made by the Officer, we are not satisfied that this allegation is made out. We find it is likely that there was sexual activity by PC A as she claims and, although not a sexual assault as defined in the criminal law, we are not satisfied that she deliberately made a false allegation. She has consistently maintained her version. We do not need to decide if there was a sexual assault – rather that the Officer had belief in an act akin to it. Her belief was honest, albeit mistaken and we find this paragraph not made out.

f. Falsely accusing him of stalking you;

We have noted that PC A denied any contact with the Officer which was not permitted to enable him to have access to Child A. We have noted that a stalking allegation was made by the Officer to Cambridgeshire Police, but an investigation found no evidence of stalking. We find as a fact that there was regular contact between the parties, invitations for dinner and collection of the Officer from the

airport. We accept that PC A had an interest in what the Officer was doing but this does not amount to stalking. We remind ourselves that as a police officer, she would or should know the definition of stalking.

We conclude that she persisted in making these allegations and she knew them to be false, and they form a course of behaviour as alleged in this paragraph. We find this proved.

g. Attempting to limit his access to his son unless he paid you money;

We have had regard to SMS exchanges between PC A and Lisa Mulvey who was acting as a go-between for the couple regarding access arrangements for Child A. The Officer denied that the contents of these messages were an attempt to limit access to Child A although the messages reveal that access was being made contingent on his paying money to her. We are satisfied that a demand for money as a condition of access amounted to an attempt to limit access by PC A to Child A. We find this proved.

h. Falsely claiming that you were in such financial difficulty that your friend Grace Anderson had to buy you food;

We note the statement of Grace Anderson which supports the Officer to an extent. We accept that the Officer has claimed that she had a shortage of money. We have had regard to Grace Anderson's statement to the effect that the Officer had led her to believe she (the Officer) was short of money. Grace Anderson bought food for her twice. The AA's case is based on incomplete financial records and we are not satisfied that the AA has shown the Officer was not so short of money that this would make her claim a false one. This allegation is not proved.

i. Making insulting / offensive / derogatory comments to PC A with words such as or similar to

- *i. You're not a man you are a pussy*
- *ii. Don't cry, you're a coward, who chopped your balls off*
- *iii. Telling him he 'needed to be a man'*
- *iv. Suggesting he 'had no value as a father and as a man'*

For each of these sub-paragraphs the Officer in effect accepts she made comments to such effect but sought to explain the context. We find each of the allegations in this part proved.

j. Telling him that you wished he would kill himself and/or that Child A would be so much better without you or words to that effect.

We note the messages at p 536 of the bundle and the Officer's partial admission as well as taking into account the evidence from her that she often – out of frustration - agreed with PC A's talk of taking his own life. We are satisfied that these facts are proved.

Returning to the stem of the allegation, taking our findings of fact together and having regard to the helpful definitions provided of similar or parallel behaviour in the criminal law, we are satisfied that, taken together, the allegations amount to domestic abuse and inappropriate conduct and include elements of coercive and controlling behaviour.

10. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that making false accusations is dishonest;

c. Honesty and Integrity (Integrity) in that making threats as set out above (individually or collectively) demonstrates a lack of integrity.

The standard of Discreditable Conduct is engaged and breached, we find.

We are also satisfied that the standard of Honesty and Integrity is engaged and breached. Making false accusations as we have found is a dishonest course of conduct (applying Ivey v Genting Casinos) and the Officer also acted without integrity in making the threats that we have found.

Allegation 4 – Inappropriate behaviour towards a member of the public

11. You engaged in inappropriate behaviour towards Person A, a member of the public who was the partner / former partner of Person B in that on or about the 6th May 2023 you exchanged messages with her and you made a threatening reference to the Malicious Communications Act.

12. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Integrity) in that making threats as set out above (individually or collectively) demonstrates a lack of integrity.

We have had regard to the messages sent to Person A on p.585. We are satisfied that if - as the Officer claims - there had been other messages exchanged which she found objectionable on Person A's part, then we consider that the obvious course of action would have been to send a message asking Person A to desist from sending further messages, and, if she still continued, to then block Person A, which she did subsequently less than a week later. We have not seen any other messages and are not satisfied that they exist. In any event we reject the Officer's evidence and her claim that the mention of an Act of Parliament here does not amount to a threat. We find that this was the sole motive in mentioning the statute – no other explanation

stands up to scrutiny. We have no doubt that the words used were a threat to Person A and the mention of the Malicious Communications Act was deployed to enhance that threat. This threat is further emphasised by the comment that followed, being “I would be very careful what you say to who you say”.

This is behaviour that the policing profession and wider members of the public would deplore.

We did not find the Officer’s evidence when answering questions about this message credible. The only reason to mention the Malicious Communications Act was a threat to Person A to stop messaging. We also note the subsequent messaging which supports our findings. We find this allegation proved.

We find that the standard of Discreditable Conduct is engaged and breached.

We find that the integrity limb of the standard of Honesty and Integrity is engaged and breached.

Allegation 5 – Failure to urgently report domestic abuse by male friend

13. On the night of the 6th – 7th May 2023 you witnessed via Facetime an incident of domestic violence / abuse taking place in which your male friend / associate Person B was throwing glass bottles around his female partner Person A’s flat, pushed Person A
and pulled her hair. Despite the potential for Person A to be in immediate danger you failed to make an urgent 999 call to report the same in a timely fashion to a Home Office Force

14. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Integrity) in that failing to make an urgent 999 call to report potential offences of domestic abuse / violence demonstrates a lack of integrity.

We are satisfied - and it is not denied - that the Officer remotely witnessed a domestic violence incident between Person B and Person A. We note that this happened at a point where she (the Officer) and Person A were in or very recently had been in a relationship. We reject her explanation that she had done enough by calling 999 earlier and find that that was a separate incident in time which was taking place in public. There was no room for genuine confusion. The Officer was a serving police officer who would have known of the gravity of domestic violence offences. She also knew that Person B was volatile with a criminal past.

We are not satisfied that the Officer made a 101 call and any online report did not address the urgency of the situation. We consider that her inaction arose in some part from the relationship and loyalty that she had with Person B.

We find that the standard of Discreditable Conduct is engaged and breached. The public would expect proper and appropriate action to be taken to protect members of the public from domestic violence.

For the same reason, we find the integrity limb of the standard of Honesty and Integrity to be engaged and breached.

Allegation 6 – Notifiable association

15. On the 12th May 2023 you submitted a Notifiable Association form to the PSDIU of BTP in relation to your association with Person B which was false and misleading in that you:

a. Failed to inform BTP that you had been in a sexual relationship with Person B (who you knew to be known to police and was vulnerable due to his mental health);

b. Claimed that you had called 101 to report a domestic violence incident being committed by Person B towards his partner or former partner Person A, when you had not made any such call.

16. On or about the 12th June 2023 you received a reply to your report of Notifiable Association which informed you that should any changes occur to the nature of your association or to your circumstances you must report the same to PSDIU as soon as possible so that a revised assessment could be completed.

17. Subsequent to that letter you failed to declare that you had continued in a relationship with Person B and/or had engaged in further sexual relations with him during 2023.

18. It is contended that your actions failed to meet the following Standards of Professional Behaviour:

a. Discreditable Conduct in that your said behaviour could bring the police service into disrepute and/or undermine public confidence in it;

b. Honesty and Integrity (Dishonesty) in that making false and/or misleading claims is dishonest;

c. Honesty and Integrity (Integrity) in that making false and/or misleading claims and/or failing to update the PSDIU demonstrates a lack of integrity.

15 (a) We are satisfied that - at the time she completed the relevant form – the Officer had been having a sexual relationship with Person B. That much is accepted in her Regulation 31 notice and accepted by the Officer in giving evidence. We note and place weight on the extract from the PSD handbook. We consider that the whole point of this form is to address, assess and reduce possible risk to the BTP of associations by serving officers with persons who could cause it discredit (and reduce the potential for blackmail by the compromising of serving officers).

We find that the Officer deliberately watered down the nature of the relationship with Person B. This had been a sexual relationship. They had done more than exchange kisses and he was clearly more than a friend to her. We found her evidence and reluctance to concede that her description on the form was not a true reflection of their relationship to be lacking in credibility.

15 (b) We have already found (above) as a fact that no 101 call had been received and we repeat our finding that the Officer made no such call.

Regarding sub paragraphs 16 and 17- we note that the receipt of the letter is uncontentious

Regarding sub paragraph 17. Based on SMSs between the Officer and Person B, we are satisfied that they had resumed their relationship. We reject the Officer's evidence that there was no such resumption. The evidence in the bundle amounts to sexualised messages and we are satisfied that we can draw a reasonable inference that she and Person B were back in a relationship where sexualised messaging was taking place, if not sexual intercourse. We find that such a resumption should have led to the Officer re- notifying PSD of the change in the nature of the relationship in that it was being re-kindled.

We find all of allegation 6 proved.

This was Discreditable Conduct in that the Officer's behaviour in choosing what to disclose to her employer would bring the police service into disrepute and/or undermine public confidence in it – the standard is engaged and breached.

The standard of Honesty and Integrity is engaged and breached as making false and misleading claims is dishonest and failing to update the PSDIU demonstrates a lack of integrity.

Allegation 7 – Provision of False Information to the Court

****Heard in Private****

In Court proceedings PC Malec made allegations of serious wrongdoing by PC A to bolster her case against him which the Panel concluded were misleading.

We are satisfied that the Officer's actions failed to meet the following Standards of Professional Behaviour: Discreditable Conduct in that her behaviour was likely to bring the police service into disrepute and undermine public confidence in it; Honesty and Integrity (Dishonesty) in that providing false and misleading information is dishonest; Honesty and Integrity (Integrity) in that providing false and misleading information demonstrates a lack of integrity.

The Standards are engaged and breached.

Allegation 8 – Provision of False Information (Various)

21. You have provided false and/or misleading information in the context of your

engagement with social services, in court proceedings and with police colleagues as follows:

a. On 3rd October 2024 (two days before your son was due to attend a family wedding with PC A) you contacted social services to report that you had noticed bruising to your son on Sunday 29th September 2024 after spending time with his father. You claimed you had reported finding the bruising to your son's nursery. The information you provided social services was false in that:

> *i. you had not reported finding any such bruising to your son's nursery (staff at the nursery had noticed bruising and reported it to you).*

****Heard in Private****

b. On 29th November 2024 in a risk assessment you falsely claimed that PC A hurt your child in that the child came home with bruises.

We bring forward our findings from above in relation to false claims about bruising. This is another use of the false information by the Officer in a different context. We are satisfied that it is another example of misleading conduct by the Officer and find it proved.

c. ****Heard in Private****

On or about 13th January 2025 made a false claim about a social worker which statement we found to be untrue and was made possibly trying to bolster your case.

We find this allegation proved.

d. On 8th January 2025 falsely claimed to police colleagues:

> *i. that on an occasion when PC A threatened suicide he went into the garage and you heard a chair fall over, gagging noises and that you had called an ambulance.*

We are satisfied that this is not made out, in accordance with our factual findings as part of our decision on Allegation 2.

We are satisfied that the following Standards are engaged and breached: Discreditable Conduct in that the Officer's behaviour was likely to bring the police service into disrepute and undermine public confidence in it; Honesty and Integrity (Dishonesty) in that providing false and misleading information is dishonest; Honesty and Integrity (Integrity) in that providing false and misleading information demonstrates a lack of integrity.

<u>Seriousness assessment and Outcome</u>

<u>Our assessment of seriousness</u>

We had regard to the 2023 College of Policing "Guidance on outcomes in police misconduct proceedings" ('the Guidance'). to assist in our assessment of seriousness.

The purpose of the police misconduct regime is threefold:

- maintain public confidence in and the reputation of the police service
- uphold high standards in policing and deter misconduct
- protect the public

Culpability – this was conduct that was intentional and deliberate. The Officer had made misleading statements. That was clearly intentional. To an extent they were also planned and directed against PC A and Person A. The Officer should have been able to foresee the risk of harm, both physical regarding PC A, the concern that Person A must have experienced and the adverse effect on different court proceedings.

Her acts were of the sort that would inevitably affect public confidence in the police service. Her acts included several instances of dishonesty and a lack of integrity. We consider that the filing of court documents which included misleading statements are of the category that are set out in paragraph 4.32 of the Guidance.

The seriousness of the intimidation of Person A and the violence against PC A is not mitigated by the fact that the incidents arose from a marriage breakdown or personal relationships.

The more culpable or blameworthy an officer's behaviour, the more serious will be the misconduct and the more serious the outcome. The culpability of the Officer is high.

Harm - we are satisfied that harm has been caused to public confidence in policing. The officer has committed acts that would harm public confidence if the circumstances were known to the public, and we take this into account.

There is also actual harm to PC A as a member of the public from the type of misconduct that the Officer participated in. He also suffered from a type of loss of liberty by being arrested (although the allegation was later NFA'd) and by the application for an injunction, which restricted his movements.

We are satisfied that Person A was likely to be concerned and worried at the threats made by the Officer. We do not – as we had no evidence of it – treat her as suffering from psychological harm.

In not calling 999 when she was witnessing a domestic violence incident, the Officer should have foreseen the potential for harm bearing in mind what she knew of Person B's character.

In terms of maintaining public confidence in and the reputation of the police service and upholding high standards in policing and deterring misconduct, we consider that the harm caused or the potential for it was high.

Aggravating factors – we feel that the following are present, taking care not to double count in our assessment:

- a malign intent where the Officer sought financial gain;
- regular and repeated behaviour in terms of violence and making false and misleading statements;
- continuing with her conduct after she should have realised that it was improper to do so;
- we have found multiple allegations and breaches of Standards proved;
- there was a significant deviation from Force policy in the way in which she completed the 'Notifiable Associations' form.

Mitigating factors – the sole factor that we could identify was that the Officer made limited, qualified admissions.

Taking the allegations individually and together, we are satisfied that they establish high culpability and a high level of harm. Reminding ourselves of the test for gross misconduct, we are satisfied that the misconduct is very serious and amounts to gross misconduct, i.e. the type of conduct that would justify dismissal.

Outcome

The Panel next turned to consider outcome. We had regard to the Home Office Guidance of February 2020 as well as the 2023 College of Policing "Guidance on outcomes in police misconduct proceedings" ('the Guidance').

The purpose of the police misconduct regime is threefold:

- maintain public confidence in and the reputation of the police service
- uphold high standards in policing and deter misconduct
- protect the public.

We are satisfied that all of these purposes are engaged.

The Guidance sets out the 3 stages to determine the appropriate sanction (at section 4):

(a) Assess the seriousness of the misconduct: (i) the officer's culpability for the misconduct; (ii) the harm caused by the misconduct; (iii) the existence of any aggravating factors; and (iv) the existence of any mitigating factors.
(b) Keep in mind the purpose of imposing sanction;
(c) Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

We take note that a factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the policing profession as a whole.

Our finding of gross misconduct is, by definition, one where the misconduct was so serious that the Officer's dismissal would be justified, although we noted that not every finding of gross misconduct will lead to dismissal. The most important purpose of police misconduct proceedings and the outcome to be imposed, is to maintain public confidence in the police service and to maintain its collective reputation. Whilst there may be a punitive element to an outcome, the purpose of the imposition of an outcome is not primarily punitive and indeed may not be punitive at all. The outcome imposed may be designed to ensure that a police officer does not have the opportunity to repeat the misconduct.

We bear in mind that we must always take personal mitigation into account, but that personal mitigation is likely to have a limited impact on the outcome where the misconduct threatens the maintenance of public confidence and respect in the police. The panel's approach would be to consider the misconduct and mitigation and impose the most appropriate outcome – the question of which outcome is appropriate should be approached by considering the range of outcomes available starting with the least severe.

The public should be able unquestioningly to accept the integrity of a police officer.

We have regard to the fact that three Standards had been breached as part of our findings of fact and gross misconduct.

We remind ourselves that we must avoid 'double counting' when assessing seriousness.

We received the officer's service record and a number of positive testimonials. We received no additional evidence that might invoke the Equality Act.

We bring forward our findings on culpability and harm and aggravating and mitigating factors.

The Officer has a short but unblemished service record. We noted that she has suffered financially during the misconduct process.

We have given appropriate weight to the positive character evidence submitted.

The panel heard no other evidence of relevant personal mitigation.

Moreover, we remind ourselves that purely personal mitigation is not relevant to our assessment of the seriousness of the misconduct. The importance of maintaining public confidence in and respect for the profession of policing is of primary concern. The Officer's particular misconduct, we are satisfied, was of the type that threatens the preservation of such public confidence and respect in policing and this results in less weight being attached to the personal mitigation being advanced. The essential issue is the need to maintain public confidence in the policing profession.

<u>Our decision on outcome</u>

The panel reminded itself of the purpose of imposing sanctions. We find that the following purposes of the police misconduct regime are engaged: maintaining public confidence in and the reputation of the police service; upholding high standards in policing and deterring misconduct; protecting the public. A sanction is not designed to be punitive but might have a punitive effect. We have started with the lowest available outcome (a final written warning) when considering the range of outcomes.

The Panel reminded itself that its central concern, having regard to the principle of proportionality and weighing the interests of the public and the Officer, is the reputation or standing of the policing profession rather than the punishment of the Officer. Accordingly, the panel concludes that – having found gross misconduct - the Officer's behaviour, if known about, would cause great harm to public confidence in the profession of policing. We have considered a final written warning extended to 5 years but are not satisfied that this would adequately address the concerns that this case raises.

We are satisfied that the misconduct was so serious that only an outcome of dismissal without notice is justified.

PC Malec's name will be placed on the Barred List.

Andrew Clemes
Legally Qualified Chair
9th October 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.