

# Conduct matter Operation Argens

Investigation into allegations of discriminatory and inappropriate comments made by Metropolitan Police officers within a WhatsApp group chat between March and October 2019

> Independent investigation report

## > Investigation information

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Investigation name:	<b>Operation Argens</b>
IOPC <sup>i</sup> reference:	<b>2021/152130</b>
Investigation type:	<b>Conduct</b>
IOPC office:	<b>Croydon</b>
Lead investigator:	<b>[Redacted]</b>
Case supervisor:	<b>[Redacted]</b>
Director General delegate (Decision maker):	<b>Catherine Hall</b>
Status of report:	<b>Final</b>
Date finalised:	<b>8 December 2021</b>

**Please note that this report contains offensive language**

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## > Introduction

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### > The purpose of this report

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1. I was appointed by the IOPC to carry out an independent investigation into allegations of inappropriate and discriminatory comments made by police officers within a WhatsApp group chat in 2019. All officers within this group had previously worked for the Civil Nuclear Constabulary (CNC) but were all working for the Metropolitan Police Service (MPS) at the time the messages were sent. This came to the attention of the IOPC on 22 April 2021 as a conduct referral from the MPS. In light of new evidence, a re-referral was sent to the IOPC on 2 July 2021. Additional referrals were sent by Norfolk Constabulary on 6 July 2021 and by the CNC on 5 August 2021.
2. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Operations Manager Catherine Hall.
3. In this report, I will provide an accurate summary of the evidence and attach or refer to any relevant documents. I will provide sufficient information to enable the decision maker to determine whether to refer any matter to the Crown Prosecution Service (CPS).
4. I will also provide sufficient information to enable the decision maker to form a provisional opinion on the following:
  - a) whether any person to whose conduct the investigation relates has a case to answer for misconduct or gross misconduct or no case to answer;
  - b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);

- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
  - d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).
5. I will also provide sufficient information and evidence to enable the decision maker to identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.
  6. I will also provide sufficient information to enable the decision maker to determine whether to make a recommendation to any organisation about any lessons that may need to be learned.
  7. The IOPC will then send a copy of this report and the decision maker's provisional opinion to the relevant appropriate authorities. In this case there are three appropriate authorities the MPS, Norfolk Constabulary and the CNC. If the appropriate authority provides comments in response to the provisional opinion, then they must do so within 28 days. Where the appropriate authority disagrees with the content of the report or the decision maker's provisional opinion, the appropriate authority should set out the reasons in their response as fully as possible and provide any supporting information. Having considered any views of the appropriate authority, the decision maker is required to make the final determination and to notify the appropriate authority of it.
  8. The decision maker may also make a determination concerning any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).
  9. Where Articles 2 or 3 of the European Convention on Human Rights (ECHR) are engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is

independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

## > Background information

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10. On 3 March 2021, Ms Sarah Everard went missing after leaving a friend's house in Clapham, South London. Following this, on 6 March 2021, the MPS issued a public appeal regarding Ms Everard's disappearance, which gained a significant amount of attention in both the press and on social media.
11. On 9 March 2021, (now ex) PC Wayne Couzens was arrested for the alleged kidnap and later the rape and murder of Ms Everard. During the course of searching his home address a mobile phone was seized and later forensically downloaded. Examination of the phone download revealed evidence of a WhatsApp group chat which Wayne Couzens was part of along with other MPS officers all of whom had transferred from the CNC.
12. The MPS identified that within this WhatsApp group chat officers had potentially made inappropriate and discriminatory comments. As a result of this assessment the matter was referred to the IOPC for independent investigation.

## > The investigation

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### > Terms of reference

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13. Catherine Hall approved the terms of reference for this investigation on 12 May 2021. The terms of reference specific to this investigation are:

To investigate the comments made by Metropolitan Police officers within a WhatsApp group chat on 21 June 2019, specifically;

- a) whether the comments made in the group chat were inappropriate.

- b) whether the comments made in the group chat were discriminatory.
- c) whether officers challenged and/or reported the inappropriate and discriminatory comments made in the group chat.
- d) whether officers complied with force and national policy in regards to the use of social media.

14. On 13 July 2021, the terms of reference were expanded to include the following:

To investigate the comments made by Metropolitan Police officers within a WhatsApp group chat between March and October 2019.

## > Subjects of the investigation

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15. There was an indication that persons serving with the police listed below may have:

- (a) committed a criminal offence, or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings.

16. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All subjects are served with a notice of investigation, informing them of the allegations against them.

17. They are also informed of the severity of the allegations. In other words, whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.

18. The officers identified as subjects for this investigation were all working for the MPS at the time of the alleged conduct but two have since transferred to different forces and one has resigned. The table below details each subject officer and their respective appropriate authorities.

	Name	Role	Severity	Interviewed	Were criminal offences investigated? If so, please list these below	Appropriate Authority
1	Gary Bailey	Police Constable	Gross misconduct	16.09.21	No	MPS
2	Joel Borders	Ex-Police Constable	Gross misconduct	14.10.21	s.127 Communications Act (2003)	MPS
3	Jonathon Cobban	Police Constable	Gross misconduct	04.10.21	s.127 Communications Act (2003)	MPS
4	Daniel Comfort	Police Constable	Gross misconduct	No	No	Norfolk and Suffolk Constabulary
5	Matthew Forster	Police Constable	Gross misconduct	14.09.21	No	CNC
6	William Neville	Police Constable	Gross misconduct	28.09.21	s.127 Communications Act (2003)	MPS

19. Wayne Couzens was named on the referral received from the MPS. However, he was not served a notice of investigation due to his dismissal from the MPS and criminal offences he had been charged with. He was also placed on the barred list. Consequently, his conduct does not form part of this report.



20. Each subject was served a notice of investigation which outlined the specific allegations in relation to them<sup>1</sup>, however the general allegations against all officers are outlined below:
- It is alleged that, between 2 March 2019 and 30 October 2019, the officers made discriminatory and inappropriate comments in a WhatsApp group chat which comprised of seven police officers who had previously worked together at the CNC.
  - It is alleged that the officers did not challenge or report discriminatory and inappropriate comments made by other members of the group.
21. PC Cobban, PC Neville and Joel Borders, were also served criminal letters which outlined the following allegation:
- There is an indication the officers may have committed a criminal offence based on the content of the messages they sent in the WhatsApp group chat. The criminal offence under investigation is the improper use of public electronic communication network under Section 127 of the Communications Act 2003.

## > Summary of the evidence

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22. During this investigation, a volume of evidence was gathered. After thorough review of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the evidence gathered in the investigation is referred to in this report. Specifically, it is important to note that the messages displayed in this report are used as examples of messages contained in the relevant WhatsApp group chat and any decision making in relation to this investigation should be made in conjunction with the underlying evidence of the messages sent in that group.

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<sup>1</sup> The individual allegations against each officer are outlined in appendix 2.

## > WhatsApp group chat

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23. WhatsApp is a free, multi-platform messaging application which is available on all major mobile operating systems. WhatsApp also offers web-based access meaning that it can be accessed outside of the application through a variety of devices, including tablets and laptops. WhatsApp is end-to-end encrypted which ensures that only the user and the person they are communicating with can read or listen to what is sent, and nobody in between, not even WhatsApp. WhatsApp offers users the ability to make voice and video calls, send text messages and voice notes, share multi-media including images and videos, and more, with just a Wi-Fi connection. WhatsApp also has a group chat function which allows up to 256 people to chat in one group.
24. WhatsApp users have the ability to mute individual or group chat notifications for a specified period of time – eight hours, one week or always. The user will still receive messages sent by the muted individual or group chat, but their device won't notify them of this, that is their phone will not vibrate or make a sound when the messages are received.
25. During the investigation into Ms Everard's murder, a mobile phone belonging to Wayne Couzens was examined by the MPS. The forensic examination identified a WhatsApp group chat, known by two names "Bottles & Stoppers" and "Atkin's puppets", which contained seven individuals including Wayne Couzens.
26. Information from the MPS vetting database confirmed the telephone numbers of five members of the group as belonging to the following people:
  1. PC Bailey
  2. Joel Borders
  3. PC Cobban
  4. PC Comfort
  5. PC Neville

Although there was no information from the MPS database for the number attributed to the final member of the group, PC Forster later confirmed the number belonged to him. The officers in the group were aged between 31 and 48 years old.

27. All the officers in the group were previously employed by the CNC. Each joined the MPS before March 2019 except PC Bailey who joined the MPS in July 2019. The evidence available to this investigation shows messages within the “Bottles and Stoppers”/ “Atkin’s puppets” group dating back to February 2019, but it has not been possible to confirm when the group was created or who created it. All officers expect PC Bailey were part of the WhatsApp group from February 2019 with PC Bailey being added on 30 July 2019.
28. The evidence indicates the WhatsApp group was used, in part, as a way for the officers to talk to each other during their MPS training. Conversations in the group included discussions about exam topics and whether qualifications including Taser and firearms authorisation, obtained from the CNC, would be carried over into their roles at the MPS. This report will not provide detail about these types of conversations as they did not form part of the allegations against the officers.
29. It appears members of the WhatsApp group knew each other to varying degrees both personally and professionally. PC Cobban told the IOPC he knew all members of the group. PC Neville said he knew most members of the group but did not provide any further detail of who he knew and how well he knew them. In addition, PC Forster said he knew Wayne Couzens, PC Cobban and PC Neville on a personal level and the other members he knew through association. PC Bailey stated he had previously worked with Joel Borders, PC Cobban and PC Comfort at the CNC but he did not know any other members of the group.
30. Between 13 February and 27 November 2019, 6192 text messages and notifications were sent in the WhatsApp group. The table below outlines the number of messages each officer sent and how many of those were sent on and off duty.

<b>Officer</b>	<b>Total Messages</b>	<b>On Duty</b>	<b>Off Duty</b>	<b>Unknown</b>
PC Bailey	30	16	14	N/A

Joel Borders	1983	127	1538	318
PC Cobban	1695	642	1020	33
PC Comfort	1181	84	974	123
PC Forster	72	4	18	50
PC Neville	660	260	374	26

### > Individual messages

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31. Due to the large volume of the messages contained in the WhatsApp group chat, it is not possible to include all material in this report. I have therefore assessed the 6192 text messages and notifications and drawn upon examples I believe will assist the decision maker in reaching her decisions, however this report should be read in conjunction with the digital evidence which outlines all messages sent by each subject.
32. During the review of the messages, it became apparent that potentially inappropriate messages often related to certain subject matters. Therefore, in order to assist the decision maker, I have divided the evidence into distinct subsections based on the subject matter of the messages referred to. These subsections are as follows:
  - Race and ethnicity
  - Z1 – former CNC colleague
  - Women
  - Rape, sexual offences and victims of crime
  - Violence
  - Sexual orientation
  - Gender reassignment
  - Disability

- Drugs

33. Under each subheading I will provide an overview of the evidence related to that matter, a table detailing examples of the messages sent and the specific responses the officers have provided in relation to those and others, not included in the report, but related to that subject matter. I will then go on to outline the officers more general accounts in response to the allegations.
34. To assist the decision maker a glossary of terms used within the messages has been provided in Appendix 3. Where a word is followed by a **bold asterisk (\*)** the definition of that word can be found in the glossary. All figures referenced in this report are approximations and are based on my assessment of the messages.

### > Race and ethnicity

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35. In this section, I have made an assessment of the messages sent by officers which appear to relate to race and ethnicity and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of all officers at times expressing some form of agreement or amusement in response to these messages through expressions such as a smiley face emoji, laughing face emoji, positive and seemingly sarcastic comments.
36. Examination of the messages sent in the group indicates approximately 73 potentially inappropriate messages relating to race and ethnicity. Of these, PC Cobban sent 27 messages, Joel Borders sent 24 messages, PC Neville sent 13 messages, PC Comfort sent eight messages and PC Bailey sent one message.
37. The table below shows examples of messages sent by officers which relate to race and ethnicity. The table also details whether the officer was on or off duty at the time the message was sent.

Table 1: Examples of messages sent with reference to race and ethnicity.

Date/Time	On Duty?	From	Message
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[OFFICIAL - SENSITIVE]

27/02/2019 20:14:03	U/K	PC Neville	<i>Reminds me a little of [Z2]</i>
27/02/2019 20:14:16	U/K	PC Cobban	<i>[Z2] is a legend</i>
27/02/2019 20:15:13	U/K	PC Neville	<i>Understatement. Favourite [Z2] saying “ in the Met we used to call the old .38 revolvers Wog* stoppers”</i>

19/03/2019 11:49:59	on	PC Cobban	<i>Should have stuck with specsavers in oxford. The fuckers don't speak English here. Fucking multicultural fucking London.</i>
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20/03/2019 20:44:43	off	Joel Borders	<i>I thought about all those starving kids in Africa...  Fuck 'em, I've earned this! 😊</i>
20/03/2019 20:45:42	off	Joel Borders	<i>They're not starving anyway. Every time you see them they've got a mouth full of flies!</i>

06/04/2019 11:59:43	off	PC Cobban	<i>When Brexit happens she'll be sent back to Ukraine anyway. Or whatever third world soviet country she came from.</i>
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11/05/2019 00:15:04	off	PC Comfort	<i>Haha I've had two Stella on here</i>
11/05/2019 00:15:37	off	PC Neville	<i>You're such a pikey*</i>

29/06/2019 11:05:46	off	PC Cobban	<i>Got a bus through hounslow ... what a fucking Somali shit hole. Great. There goes pussy patrol... more like fgm patrol</i>
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[OFFICIAL - SENSITIVE]

29/06/2019 11:08:04	off	Joel Borders	<i>🤔 feltham is worse! I went there the other week and I felt like a spot on a domino!</i>  <i>👤👤👤👤👤👤👤👤👤👤👤👤👤👤👤👤</i>
29/06/2019 11:08:40	off	PC Comfort	<i>Filthy Feltham</i>
29/06/2019 11:10:25	off	PC Cobban	<i>Walking through to hounslow central, it was like walking along a dulux colour code</i>
29/06/2019 11:10:44	off	PC Cobban	<i>Not even the shops were in English.</i>
29/06/2019 11:11:02	off	Joel Borders	<i>Yeah, all shades of brown!?</i>
29/06/2019 11:11:28	off	PC Cobban	<i>Yep and I think I was one yellow. But he was lost cos he asked me for directions</i>
29/06/2019 11:11:29	off	Joel Borders	<i>Hounslow twinned with Baghdad</i>
29/06/2019 11:14:37	off	Joel Borders	<i>You know when it's getting near to the end of night shift in Hounslow because you can hear the call to prayer</i>
29/06/2019 11:31:16	off	Wayne Couzens <sup>2</sup>	<i>You can add Peckham to that list. I was on VCTF the other shift in Peckham, another Somalia village!!!!</i>

30/07/2019 22:43:13	off	PC Bailey	<i>Fuck that , i want to know jons secret of how to groom the young hot foreign girls</i>
30/07/2019 22:43:58	off	PC Cobban	<i>Drugs!</i>  <i>And the threat of Brexit!</i>
30/07/2019 22:44:14	off	PC Bailey	<i>Take em for some prawn balls you're in</i>

<sup>2</sup> All messages described in the report as from Wayne Couzens, are messages that were sent by an account linked to a device found in his home address.

30/07/2019 22:44:30	off	PC Comfort	<i>Just look foreign</i>
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09/08/2019 10:27:24	off	PC Cobban	<i>We have single mothers with kids matching every element of the dulux colour chart. A load of Somalis and asians that hate us.</i>  <i>And everything takes for ever as its gotta be done through language line. Fucking state of a place.</i>
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02/10/2019 14:29:24	off	PC Neville	<i>Cover yourself in marmite and you might tick the right diversity boxes too</i>
02/10/2019 14:38:46	off	PC Cobban	<i>It's a viable card to play in the modern world.</i>  <i>I might start identifying as a brown transgender non-fluid binary muslimic gay* lesbotic hermaphrodite.</i>

**> Officer accounts relating to comments about race and ethnicity**

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**PC Gary Bailey**

38. PC Bailey stated his message sent on 30 July 2019, *“Fuck that, i want to know jons secret of how to groom the young hot foreign girls”*, was in reference to a girl who he thought was *“attractive”* and *“exotic looking”*. PC Bailey stated he apologised if his comment offended anyone and on reflection he should not have used the word groom and instead should have used the word attract within this message. PC Bailey explained he did not mean this comment seriously and it was meant as a joke. PC Bailey further stated during his misconduct interview he was *“trying to be funny”* but acknowledged the message *“reads badly”*.



39. PC Bailey said his view is that his comment does not contain offensive language. However, PC Bailey said he made a “grave error” in his wording, using the word groom rather than attract, as he recognised that someone else may perceive a different meaning to his comment. PC Bailey said that female members of the public would not be impressed if they saw his comment.
40. PC Bailey explained the subsequent message in this conversation, “Take em for some prawn balls you’re in”, was in reference to a restaurant where he said the best dish on the menu was the prawn balls. PC Bailey explained if he wanted to impress someone he would take them to this restaurant and he is unsure why it had been highlighted as an offensive comment. During the interview, PC Bailey stated he was not referring to the “young hot foreign girl” in his earlier message.

#### **Joel Borders**

41. Joel Borders explained he sent the messages detailed above and others which appeared to reference race and ethnicity in “dark humour” and said they were meant as “jokes”. Joel Borders said he sent the messages as a way to deal with “stresses of the job” and used the WhatsApp group as an “outlet”. He explained the views expressed in the messages are not a reflection of his actual views.
42. Furthermore, Joel Borders explained he felt “out of his comfort zone” working in the MPS. He said it was the first time he had experienced working in a diverse area. Joel Borders said he would not send messages such as those referenced in Table 1 now because he has learnt what is appropriate. He stated he was still learning about appropriate conduct and what is offensive at the time of sending the messages.

#### **PC Jonathon Cobban**

43. PC Cobban stated his messages sent on 29 June 2019, “Walking through to hounslow central, it was like walking along a dulux colour code” and “Not even the shops were in English”, were in reference the “vibrancy” of the Hounslow area. PC Cobban commented that he was new to the area and surprised to see shops in a variety of languages. PC Cobban also said he was not an operational police officer at

the time and he would no longer make these comments since gaining experience policing the Hounslow and Feltham community.

44. In addition, PC Cobban stated he is not racist. He said the message he sent on 29 June 2019, *"Got a bus through hounslow ... what a fucking Somali shit hole. Great. There goes pussy patrol... more like fgm patrol"*, was an unacceptable comment and he regrets sending it.
45. PC Cobban did not provide any explanation in his response under caution, during interview or in his response after interview in relation to the other messages highlighted within Table 1.

#### **PC Daniel Comfort**

46. PC Comfort stated he did not mean to be racist and appreciated some of the messages he sent could be *"misconstrued' as offensive"*. PC Comfort said he did not intend for his messages to have a discriminatory meaning.

#### **PC William Neville**

47. PC Neville stated in his message, *"Understatement. Favourite [Z2] saying "in the Met we used to call the old .38 revolvers Wog stoppers"*, he was quoting a former civilian firearms instructor from the CNC. PC Neville said he challenged this comment at the time. PC Neville stated that by quoting this comment he was not indicating that he liked it but expressed that it was the worse comment he had ever heard.
48. PC Neville explained he used humour in his message on 2 October 2019, *"Cover yourself in marmite and you might tick the right diversity boxes too"*, to make a point about what he described as the *"positive action policies"* the MPS uses in recruitment. PC Neville stated on reflection he can see the message is *"distasteful"* however he is not a racist person and does not hold the views of the messages he sent. PC Neville said he is involved with an equality and diversity working group in the MPS to promote a culture change of creating equal opportunities for all. The evidence shows PC Neville was a member of an opportunity and inclusion working group, but details of this group and when he joined the group are unknown.

49. In addition, he said he was not aware that certain terminology including the word “pikey” was offensive, he specifically referenced the use of this word in a film he had seen to explain this understanding. He said his knowledge of which words were offensive was impacted by the fact he had only been working for the MPS for a short period at the time the messages were sent. However, he is now aware that this language is unacceptable and understands the ramifications of using these terms.

> **Z1 – former CNC colleague**

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50. In this section, I have made an assessment on the messages sent by officers which appear to relate to an officer by the name of Z1. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of Joel Borders, PC Cobban, PC Comfort, PC Forster and PC Neville at times expressing some form of agreement or amusement in response to these messages through expressions such as a laughing face emoji and sarcastic comments.
51. Z1 was a former CNC employee who joined the MPS in April 2019. Z1 identifies as a white/Asian male. Examination of the messages sent in the group indicates numerous potentially inappropriate messages related to Z1 who is referred to by names including “[REDACTED]” and “[REDACTED]”. He appears to have been referred to approximately 114 times within the WhatsApp group.

52. The table below outlines specific examples of messages sent by officers which relate to Z1. The table also details whether the officers were on or off duty at the time the messages were sent.

Table 2: Examples of messages sent in reference to Z1.

<b>Date/Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
15/04/2019 10:30:14	on	PC Cobban	<i>Its cos he plays the race card. I saw him do it in the cnc with my own eyes and it worked.</i>

05/06/2019 10:11:49	U/K	Joel Borders	<i>The 70 mile ATOC has been devalued since Z1 got one</i>
05/06/2019 10:12:15	off	PC Cobban	<i>So true. So sad.</i>
05/06/2019 10:12:36	U/K	Joel Borders	<i>He ruins everything</i>
05/06/2019 10:13:18	off	PC Cobban	<i>I'm tempted to join the fire brigade simply due to there being no affiliation. But I guess even fireman use uber ... ffs [for fuck's sack]</i>
05/06/2019 10:14:23	U/K	Joel Borders	<i>He looks like he's been in a fire</i>
05/06/2019 10:15:19	U/K	Joel Borders	<i>Set on fire and put out with a spade</i>
05/06/2019 10:15:36	U/K	Joel Borders	<i>I bet he would burn for hours</i>
05/06/2019 10:15:39	off	PC Comfort	<i>[REDACTED] started his shots course yesterday</i>
05/06/2019 10:15:52	U/K	Joel Borders	<i>Seriously</i>
05/06/2019 10:16:15	U/K	Joel Borders	<i>Hepatitis jabs?</i>

[OFFICIAL - SENSITIVE]

05/06/2019 10:16:57	off	PC Comfort	<i>That's what he said mate, might see him at Waterloo east waiting for the gravesend train 🙄</i>
05/06/2019 10:17:47	U/K	Joel Borders	<i>Hope he fails 🙄</i>
05/06/2019 10:18:39	U/K	Joel Borders	<i>Hope he fails and decides to take his own life</i>

15/07/2019 10:28:47	off	Joel Borders	<i>Who's [REDACTED]? 🙄</i>
15/07/2019 11:40:20	off	PC Cobban	<i>He is that big brown fella who is like an ctsfo [counter terrorism specialist firearms officer] for beds. He used to work for a nuclear protection force escorting cat 1 nukes in the back of his A4.  The real deal from what I've heard...</i>
15/07/2019 11:41:20	off	Joel Borders	<i>Ah you mean Gandy [REDACTED]? I know who you mean now 🙄</i>
15/07/2019 11:41:58	off	Joel Borders	<i>Or is it Gandy McFlab ? 🙄</i>
15/07/2019 11:42:30	off	PC Cobban	<i>That's the chap! Gandy. Unlike Ghandi, Gandy doesn't stop eating. Making up for history or something I reckon.</i>
15/07/2019 11:42:36	off	Wayne Couzens	<i>Nickname 'Gash Gandy'</i>
15/07/2019 11:43:07	off	PC Neville	<i>Or Gunty Gandy?</i>
15/07/2019 11:45:44	off	Joel Borders	<i>I'm not saying he's fat but... I heard his warrant card picture had to be taken from a helicopter.</i>
15/07/2019 11:50:36	off	Joel Borders	<i>I also heard that when he was being fitted for uniform, the met had to employ Mo Farah to take his waist measurements</i>

07/08/2019 19:07:04	on	Joel Borders	<i>I'm thinking of writing a new sitcom called "everyone hates Z1", it's going to be based on a fat cunt that thinks he's cool as fuck but really everyone thinks he's a prick and he only get anywhere by playing the race card.</i>
07/08/2019 19:14:58	off	Wayne Couzens	<i>I'm trying to think of the ideal actor who could play him, I'm loving the idea tho.</i>
07/08/2019 19:15:46	on	PC Neville	<i>Jonah hill covered in marmite?</i>

> **Officer accounts relating to comments about Z1**

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**Joel Borders**

53. Joel Borders described Z1 as a friend and said he is still in touch with him since leaving the MPS. Joel Borders stated he was referring to the TV programme 'Everyone Loves Raymond' in the message he sent on 7 August 2019, *"I'm thinking of writing a new sitcom called "everyone hates Z1", it's going to be based on a fat cunt that thinks he's cool as fuck but really everyone thinks he's a prick and he only get anywhere by playing the race card."* Joel Borders acknowledged the message *"comes across badly"* and he stated this was not his intention. Although he did not confirm who his message, *"Hope he fails and decides to take his own life"*, was about Joel Borders stated he regrets making this comment and said this was the type of humour all members of the group shared before they experienced *"real life traumas from the job"*.

**PC Jonathon Cobban**

54. PC Cobban stated the message he sent on 15 April 2019, *"Its cos he plays the race card. I saw him do it in the cnc with my own eyes and it worked"* related to a specific set of circumstances at the CNC where he believed Z1 used his race to gain preferential treatment to be offered a medic course. The evidence confirms Z1 attended a medic course at the CNC, which teaches officers enhanced first aid training, in 2015.

#### **PC William Neville**

55. PC Neville did not specify who he was referring to in the message he sent on 15 July 2019, *"Or Gunty Gandy?"*. PC Neville said he used alliteration in his message and his comment had nothing to do with the ethnicity of the individual. He explained *"gunty"* is a word used to refer to someone who is fat. PC Neville stated he used humour in his message but acknowledged the message was sent in *"bad taste"* and *"the person in question may be offended"*, however he never intended for that person to see the message.

56. PC Neville also described the message he sent on 7 August 2019, *"Jonah hill covered in marmite?"* as an attempt at humour. PC Neville said his comment was based the Black and White Minstrel Show, a show aired between 1958-1978 which included white men performing with a form of makeup used to make them look like a stereotype of a black person. PC Neville said, in his view, the humour of his comment was how controversial it was but accepted it was in poor taste and said he now regrets sending it.

#### **> Women**

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57. In this section, I have made an assessment of the messages sent by officers which appear to relate to women and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of Joel Borders, PC Cobban, PC Comfort, PC Forster and PC Neville at times expressing some form of agreement or amusement in response to these messages through expressions such as seemingly sarcastic comments.

58. Examination of the messages sent in the group indicates approximately 38 potentially inappropriate messages relating to women were sent. Of these, Joel Borders sent 15 messages, PC Cobban sent 12 messages, PC Comfort and PC Neville sent four messages, PC Bailey sent two messages and PC Forster sent one message.
59. The table below outlines examples of messages sent by officers which relate to women. The table also details whether the officers were on or off duty at the time the messages were sent.

Table 3: Example of messages sent with reference to women.

<b>Date/Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
22/03/2019 09:09:17	on	PC Cobban	<i>Precisely why women shouldn't be coppers. They can't hack it. Stick them back in the kitchen where they belong!</i>
22/03/2019 09:09:58	U/K	PC Forster	<i>She does look like she'd make a great sandwich</i>
22/03/2019 09:10:38	on	PC Neville	<i>As punishment did you get her to Iron your shirt.</i>
22/03/2019 09:12:12	off	Joel Borders	<i>Iron man is a superhero  Iron woman is a command</i>
22/03/2019 09:13:29	on	PC Cobban	<i>Never a truer word said!</i>
22/03/2019 09:14:18	on	PC Cobban	<i>Woman in command of the Met. The fire brigade. The country!  And look what's happening the uk !!</i>

25/04/2019 12:35:58	off	PC Comfort	<i>Did they put you in the same class as us Joel?</i>
25/04/2019 12:45:55	off	Joel Borders	<i>No 101k</i>



[OFFICIAL - SENSITIVE]

25/04/2019 12:49:53	off	PC Comfort	<i>Fuck, that's the same as compleZ4 [sic]</i>
25/04/2019 12:50:23	on	PC Cobban	<i>Haha you're gonna touch her on a drunken night and spend the rest of you [sic] life in prison 🤔</i>
25/04/2019 12:51:12	on	PC Cobban	<i>Or during a stop search scenario!</i>  <i>Z3: "#metoo"</i>
25/04/2019 12:52:15	off	PC Comfort	<i>Wouldn't touch that, she's too smart</i>

09/07/2019 13:45:16	on	PC Cobban	<i>Joel who's that cuntty brunette skipper with a chip on her shoulder? She the one that had a pop at you?</i>
09/07/2019 13:46:28	off	Joel Borders	<i>Chubby Cunt with glasses?</i>
09/07/2019 13:47:03	on	PC Cobban	<i>No, slim (ish) mid 40s. Arrogant. Typical overly promoted woman.</i>

09/08/2019 10:42:19	off	Joel Borders	<i>Got a fit young Asian girl staying in the room next to mine and she's asked me out for a drink!</i>  🤔
09/08/2019 10:42:51	off	Joel Borders	<i>Little does she know she's only a few steps away from being bummed! 😏</i>
09/08/2019 10:42:53	off	PC Cobban	<i>Haha they like older white men, she must think your [sic] loaded!</i>
09/08/2019 10:43:41	off	Joel Borders	<i>Loaded and staying in a shitty little room in Colindale 🤔</i>
09/08/2019 10:44:00	off	PC Cobban	<i>Just promise to take her away from it all!</i>

09/08/2019 10:46:23	off	Joel Borders	<i>I'll be leaving soon anyway.</i>  <i>How long is it before a body starts to decompose? 🤔</i>
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30/10/2019 12:02:05	U/K	Joel Borders	<i>My governor has received my email and wants to speak to me about it, I'll let you know how it goes</i>
30/10/2019 12:03:44	off	PC Comfort	<i>Try not to call her a cunt</i>
30/10/2019 12:04:17	off	PC Cobban	<i>Not straight away, anyway</i>
30/10/2019 12:04:59	off	PC Comfort	<i>CNC conference call that bitch*</i>
30/10/2019 12:05:51	U/K	Joel Borders	<i>I'm going to struggle not to swear at her!</i>
30/10/2019 12:06:00	U/K	Joel Borders	<i>I'm fuming</i>
30/10/2019 12:06:12	off	PC Cobban	<i>Who is she, the round older blonde lady?</i>
30/10/2019 12:06:55	U/K	Joel Borders	<i>Everyone on my team thinks she's deliberately being a cunt with me. Like she's trying to prove a point</i>
30/10/2019 12:08:14	off	PC Cobban	<i>Shes [sic] about your age? Slap her ass and give her a tickle. It's probably what she wants from you mate</i>
30/10/2019 12:11:17	off	PC Comfort	<i>Would you do her for taser ?</i>
30/10/2019 12:20:46	off	PC Cobban	<i>Would you do her for a night with Z3?</i>

60. References to a person by the name of "[REDACTED]" or "[REDACTED]" appear to relate to a colleague who worked at the MPS at the same time as several of the

officers. The evidence shows Z3 joined the MPS in 2014, however any links between her and the officers are unknown.

61. Other messages sent by the officers which relate to women included references to the attractiveness of colleagues through the use of terms such as “MILF”\* (“mother I’d like to fuck”), slags\* and fanny. The officers also discussed female colleagues wearing gym clothes during training and sexual feelings towards them.

## > Officer accounts relating to comments about women

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### Joel Borders

62. Joel Borders stated the message he sent on 22 March 2019, *“Iron man is a superhero Iron woman is a command”* was a joke and a play on words. Joel Borders did not provide any further explanation about this message during his criminal interview. Likewise, humour was used as an explanation for the messages he sent on 9 August 2019, *“Got a fit young Asian girl staying in the room next to mine and she’s asked me out for a drink! 😊”* and *“Little does she know she’s only a few steps away from being bummed! 😊”*. Joel Borders stated this was *“stupid humour”* and he did not mean the messages literally.

### PC Jonathon Cobban

63. PC Cobban stated he does not hold the views he expressed in the message he sent on 22 March 2019, *“Precisely why women shouldn’t be coppers. They can’t hack it. Stick them back in the kitchen where they belong!”*. He explained this message was a joke and he was embarrassed reading the comment again. PC Cobban said he regrets sending this message. In addition, PC Cobban said that the best supervisor he had was a woman, stating the strongest and most capable people in his life are women. PC Cobban said he has the *“upmost respect”* for women and explained he supports his wife in her career which he believes demonstrates that he is not misogynistic.

### PC Matthew Forster

64. PC Forster said his comment on 22 March 2019, “*She does look like she’d make a great sandwich*”, was a poor attempt at humour. He stated he was not very impressed with himself for sending the comment and does not agree with the view expressed within it.

#### **PC William Neville**

65. PC Neville explained the message he sent on 22 March 2019, “*As punishment did you get her to Iron your shirt*” was a joke and he used a stereotype to mock the old-fashioned chauvinistic attitude. PC Neville stated although it is humour, “*in hindsight I can see it’s in poor taste*”.

### **> Rape, sexual offences and victims of crime**

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66. In this section, I have made an assessment on the messages sent by officers which appear to relate to rape, sexual offences and victims of crime and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of Joel Borders, PC Cobban, PC Comfort and PC Neville at times expressing some form of agreement or amusement in response to these messages through expressions such as positive and seemingly sarcastic comments.
67. Examination of the messages sent in the group indicates approximately 19 potentially inappropriate messages related to rape, sexual offences and victims of crime. Of these, PC Cobban sent eight messages, PC Neville sent six messages, Joel Borders sent four messages and PC Forster sent one message.
68. The table below outlines specific examples of messages sent by officers which relate to rape, sexual offences and victims of crime. The table also details whether the officer was on or off duty at the time the message was sent.

Table 4: Examples of messages sent in reference to rape, sexual offences and victims of crime.

[OFFICIAL - SENSITIVE]

<b>Date/Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
22/02/2019 12:06:20	off	Wayne Couzens	<i>Messy one, lovely. Remember Forster, it's got to be consensual!</i>
22/02/2019 12:07:22	U/K	PC Forster	<i>They've only got to say yes once</i>

21/03/2019 19:28:21	off	PC Cobban	<i>I did earlier!! Some binned drank herself into oblivion, I saw her when I got off the train. Unconscious! So I got o2 etc out the car and bumbled across. Sorted her out, chatting to this bloke who said he was yabbering [sic] on about 'if I was in uniform now bla bla' so I said "you job mate?" And he said yes, tvp [Thames Valley Police] at Abingdon.  I said "me too, in the fecking Met you caaaaaaant"</i>
21/03/2019 19:28:29	off	PC Cobban	<i>True story. Didn't call him a cunt though.</i>
21/03/2019 19:28:39	off	PC Cobban	<i>Some binner*</i>
21/03/2019 19:29:12	off	Wayne Couzens	<i>Did you finger her to see if she was ok?</i>
21/03/2019 19:29:38	off	PC Cobban	<i>I considered it. But she was a right old lump.</i>
21/03/2019 19:29:58	off	PC Cobban	<i>So I just raped a bystander instead</i>

30/04/2019 20:47:07	off	PC Cobban	<i>It really will. As much as the Met is about as organised as a Spanish airline 😊lol [laugh out loud], it will be worth it.</i>
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[OFFICIAL - SENSITIVE]

			<i>We'll make good money but if we are all honest... it's not about that.</i>
30/04/2019 20:47:42	off	PC Cobban	<i>(It's about the victims of crime, especially the nice vulnerable ones...)</i>
30/04/2019 20:47:53	off	PC Cobban	<i>DPS [Directorate of Professional Standards] THAT WAS A *JOKE*</i>

01/05/2019 12:22:08	on	PC Neville	<i>There's a question about sexual offences, half way through intercourse the woman says no, that is rape</i>
01/05/2019 12:22:42	on	PC Neville	<i>Supposedly</i>
01/05/2019 12:22:55	off	Joel Borders	<i>Even if you pretend you didn't hear it?</i>

21/06/2019 21:33:13	off	Wayne Couzens	<i>Mate they aren't gonna ditch you with your skill sets, unless you finger a DV victim!</i>
21/06/2019 21:33:39	off	Wayne Couzens	<i>Oh, Jon in that case you're probably fucked. 🤔🤔🤔🤔</i>
21/06/2019 21:37:01	on	PC Cobban	<i>That's alright, DV victims love it... that's why they are repeat victims more often than not.</i>
21/06/2019 21:37:38	off	Joel Borders	<i>No, they just don't listen! 🤔</i>

07/08/2019 16:15:14	on	PC Neville	<i>Neville. 3 domestics back to back today</i>
07/08/2019 16:15:56	on	Joel Borders	<i>I bet they all had one thing in common  Women that don't listen</i>

> **Officer accounts relating to comments about rape, sexual offences and victims of crime**

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**Joel Borders**

69. Joel Borders stated the message he sent on 7 August 2019, *"I bet they all had one thing in common Women that don't listen"* was a joke and does not reflect his views on domestic violence or women. Joel Borders also described the message he sent on 21 June 2019, *"No, they just don't listen! 🤔"* as a joke and recognised it was an inappropriate thing to say.

**PC Jonathon Cobban**

70. PC Cobban stated he used humour in the messages he sent on 21 March 2019, *"I considered it. But she was a right old lump. So I just raped a bystander instead"*, and believed that because his comment was *"so grotesque"* it was obvious he did not rape a bystander. PC Cobban said he regrets sending these messages.
71. Furthermore, PC Cobban explained the message he sent on 21 June 2019, *"That's alright, DV victims love it... that's why they are repeat victims more often than not"* was a joke in bad taste. He stated he did not mean this comment, describing it as a stupid thing to say and *"absolutely unacceptable"*. PC Cobban stated he would never joke about victims of any crime now.

**PC Matthew Forster**

72. PC Forster stated his message on 22 February 2019, *"They've only got to say yes once"*, was a *"bad joke"* but he stated that is no excuse and he cannot defend his comment.

**PC William Neville**

73. PC Neville stated the message he sent on 1 May 2019, *"There's a question about sexual offences, half way through intercourse the woman says no, that is rape supposedly"*, was from his first day of foundation training at the MPS and related to a

question in an exam which discussed consent during sexual intercourse. PC Neville said he made a joke because it is obvious if consent is withdrawn the sexual activity becomes rape. PC Neville stated he has never condoned rape.

> **Violence**

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74. In this section, I have made an assessment on the messages sent by officers which appear to relate to violence and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of Joel Borders, PC Cobban, PC Comfort and PC Neville at times expressing some form of agreement or amusement in response to these messages through expressions such as a laughing face emoji and apparent sarcastic comments.
75. Examination of the messages sent in the group indicates approximately 28 potentially inappropriate messages related to violence. Of these, Joel Borders sent 17 messages, PC Cobban sent nine messages and PC Neville sent two messages.
76. The table below outlines specific examples of messages sent by officers which relate to violence. The table also details whether the officer was on or off duty at the time the message was sent.

Table 5: Examples of messages sent in reference to violence.

<b>Date/Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
02/03/2019 21:42:37	U/K	Joel Borders	<i>A black eye usually makes her see things your way</i>

25/04/2019 11:38:40	on	PC Cobban	<i>Am sat in the docs with my child. She's been a pain so gonna try and get some opiates prescribed for her.</i>
25/04/2019 11:39:23	off	PC Comfort	<i>Intollerant [sic] to calpol already?</i>




[OFFICIAL - SENSITIVE]

25/04/2019 11:40:12	on	PC Cobban	<i>Yep! I gave her that and ibuprofen earlier. Dunno what the fucks wrong with her 😏</i>
25/04/2019 11:41:50	off	Joel Borders	<i>I find when they cry like that if you gently put your hands around their throat and slowly squeeze like fuck they are unbelievably quiet</i>
25/04/2019 11:46:20	on	PC Cobban	<i>Did that with my first child years ago. Never made a noise again.... awfully thin now.</i>
25/04/2019 11:47:44	on	PC Cobban	<i>**for the benefit of DPS or other monitoring party, that was a JOKE**</i>

25/04/2019 13:49:22	on	PC Cobban	<i>😏 least you'll have Z4. She'll look after you lol [laugh out loud]</i>
25/04/2019 13:52:54	off	Joel Borders	<i>She will use me as an example. Lead me on then get me locked up when I rape and beat her! Sneaky bitch*</i>

05/04/2019 05:56:20	off	PC Comfort	<i>Now that's a blue card you don't have Jon</i>
05/04/2019 06:21:12	off	Joel Borders	<i>How many miles does that get you? 😏</i>
05/04/2019 07:10:48	off	PC Cobban	<i>I WANT ONE</i>
05/04/2019 07:11:24	off	PC Cobban	<i>Arrive alive! Yeah unlike recent pedestrians 👊👊 I can't wait to run one over.</i>
05/04/2019 07:19:35	off	Joel Borders	<i>I can't wait to get on guns so I can shoot some cunt in the face!</i>
05/04/2019 07:20:51	off	PC Cobban	<i>Me too. I want to taser a cat and a dog to see which reacts better. I think the cat will get more pissed off and the dog will shit it. I wanna test this theory.  Same with children. Zap zap you little fuckers.</i>

05/04/2019 07:44:57	off	Joel Borders	<i>And a couple of downys*?</i> 
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> **Officer accounts relating to comments about violence**

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**Joel Borders**

77. Joel Borders stated the message he sent on 25 April 2019, *“I find when they cry like that if you gently put your hands around their throat and slowly squeeze like fuck they are unbelievably quiet”*, was a joke about parenting and is *“obviously not true”*. Joel Borders also referred to the message he sent on 2 March 2019, *“A black eye usually makes her see things your way”* as a joke, however he said he does not believe violence against women is acceptable.
78. In addition, Joel Borders referred to the later message he sent on 25 April 2019, *“She will use me as an example. Lead me on then get me locked up when I rape and beat her! Sneaky bitch”* as *“very dark humour”* which he acknowledged may offend some people. Joel Borders said he does not believe rape is a joke.

**PC Jonathon Cobban**

79. PC Cobban explained the message he sent on 5 April 2019, *“Me too. I want to taser a cat and a dog to see which reacts better. I think the cat will get more pissed off and the dog will shit it. I wanna [sic] test this theory. Same with children. Zap zap you little fuckers”*, was a joke but he acknowledged it was not funny and it was an unacceptable comment. PC Cobban stated he would not misuse any police personal protective equipment or harm an animal. PC Cobban also described other messages he sent in Table 5 as jokes.

> **Sexual orientation**

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80. In this section, I have made an assessment on the messages sent by officers which appear to relate to sexual orientation and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the

views expressed have not been included in the figures below. However, there is evidence of Joel Borders, PC Cobban, PC Comfort and PC Neville at times expressing some form of agreement or amusement in response to these messages through expressions such as a laughing face emoji and apparent sarcastic comments.

81. Examination of the messages sent in the group indicates approximately 14 potentially inappropriate messages related to sexual orientation. Of these, PC Cobban sent seven messages, Joel Borders sent four messages, PC Comfort sent two messages and PC Neville sent one message.
82. The table below outlines examples of messages sent by officers which relate to sexual orientation. The table also details whether the officer was on or off duty at the time the message was sent.

Table 6: Examples of messages sent in reference to sexual orientation.

<b>Date &amp; Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
25/03/2019 09:08:56	off	Joel Borders	<i>As long as that's not where Z1 is? 😊</i>
25/03/2019 09:09:35	on	PC Neville	<i>he may have a side line their.... male gay* stripper?</i>

03/05/2019 07:34:34	on	PC Cobban	<i>Fucking hell. Diversity being taught by a right miserable lesbian.</i>  <i>What a joy.</i>  <i>Boys at Marlowe be grateful!!</i>
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16/05/2019 19:12:05	off	Joel Borders	<i>You sure you're not moonlighting as a stripper?</i>
16/05/2019 19:12:21	off	Joel Borders	<i>A gay* one obviously</i>

09/08/2019 10:11:10	off	Joel Borders	<i>Lucky bastard! I bet I get paired up with the only gay* on section! 😊</i>
09/08/2019 10:17:55	off	PC Cobban	<i>Oh yeah I dealt with one of those, hospital guard for some attention seeking self harming fag*</i>

> **Responses relating to messages referencing sexual orientation**

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**Joel Borders**

83. Joel Borders said he was making a joke in the messages he sent on 16 May 2019, “*You sure you’re not moonlighting as a stripper? A gay one obviously*”. He stated he was not being negative about homosexuals in this message. In addition, Joel Borders said he did not mean anything negative about being paired up with a homosexual in the message he sent on 9 August 2019, “*Lucky bastard! I bet I get paired up with the only gay on section! 😊*”.

**PC Jonathon Cobban**

84. PC Cobban acknowledged the message he sent on 9 August 2019, “*Oh yeah I dealt with one of those, hospital guard for some attention seeking self harming fag*” was offensive and he should not have used this term. PC Cobban said he regrets sending this message. PC Cobban did not provide any explanation for the message he sent on 3 May 2019, “*Fucking hell. Diversity being taught by a right miserable lesbian...*”. In a further response provided after his criminal interview, PC Cobban made reference to the best man at his wedding being gay which he believes demonstrates he is not homophobic.

**PC William Neville**

85. In his response under caution, PC Neville explained he made a joke about the high cost of living in London within the message he sent on 25 March 2019, “*he may have a side line their.... male gay stripper?*” PC Neville said he had taken a pay cut when joining the MPS and suggested stripping as an additional income. He explained this comment was not meant as an insult and there is “*nothing derogatory*” within the message.

### > Gender reassignment

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86. In this section, I have made an assessment on the messages sent by officers which appear to relate to gender reassignment and could potentially breach the standards of professional behaviour. Examination of the messages sent in the group indicates approximately four potentially inappropriate messages related to gender reassignment. Of these, Joel Borders sent two messages and PC Cobban sent two messages.

87. The table below outlines specific examples of messages sent by officers which relate to gender reassignment. The table also details whether the officer was on or off duty at the time the message was sent.

Table 7: Examples of messages sent in reference to gender reassignment.

Date & Time	On Duty?	From	Message
15/07/2019 11:53:40	off	PC Cobban	<p><i>Talking of warrant cards, then a chap with two of them because some days he wakes up wanting to be a woman.</i></p> <p><i>So hes [sic] got a bloke one and a woman one lol [laugh out loud]. Fuckinh [sic] countries gone mad.</i></p>

06/09/2019 22:40:23	off	Joel Borders	<p><i>What is transformation anyway? Sounds like a gender reassignment clinic 🧑🏻♂️</i></p>
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02/10/2019 15:19:59	on	Joel Borders	<p><i>If I'm a fat cunt but I identify as skinny does that make me trans-slender?</i></p>
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## > Officer accounts relating to comments about gender reassignment

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### Joel Borders

88. In response to these messages Joel Borders said his son is transgender and is undergoing hormone therapy. Joel Borders stated the message he sent on 2 October 2019, *“If I’m a fat cunt but I identify as skinny does that make me trans-slender?”*, was a *“play on words”* and was a joke. Joel Borders did not provide any further explanation about this message during his criminal interview.

### PC Jonathon Cobban

89. In his response under caution, PC Cobban stated he regrets the message he sent on 15 July 2019, *“Talking of warrant cards, then a chap with two of them because some days he wakes up wanting to be a woman. So hes [sic] got a bloke one and a woman one lol. Fuckinh [sic] countries gone mad.”*. PC Cobban explained he has received training on equality and now has a better understanding on gender identity. He


described himself as “naïve” when he first joined the MPS and lacked experience. PC Cobban explained he does not hold this view and feels “a lot more informed now”.

## > Disability

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90. In this section, I have made an assessment on the messages sent by officers which appear to relate to disability and could potentially breach the standards of professional behaviour. Messages sent by officers which appear to agree with the views expressed have not been included in the figures below. However, there is evidence of PC Cobban and PC Comfort at times expressing some form of agreement or amusement in response to these messages through expressions such as positive comments.
91. Examination of the messages sent in the group indicates approximately nine potentially inappropriate messages related to disability. Of these, Joel Borders sent five messages, PC Cobban sent two messages, PC Comfort and PC Neville sent one message.
92. The table below outlines specific examples of messages sent by officers which relate to disability. The table also details whether the officer was on or off duty at the time the message was sent.

Table 8: Examples of messages sent in reference to disability.

<b>Date &amp; Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
03/03/2019 17:20:35	U/K	Joel Borders	<i>Tomorrow is a revision day so I'll do it then</i>
03/03/2019 17:21:36	U/K	PC Comfort	<i>Flirting with your mates a lot, don't think I believe you. Trying to be in with the crowd 😊</i>
03/03/2019 17:23:28	U/K	Joel Borders	<i>Trying to make up for yesterday when I had them convinced they needed to learn the badger act!</i> 
03/03/2019 17:26:53	U/K	PC Comfort	<i>I know, now we're loading up baby pics 🙄👶</i>

[OFFICIAL - SENSITIVE]

03/03/2019 17:27:19	U/K	Joel Borders	<i>Retards* mate. The lot of them</i>
03/03/2019 17:29:00	U/K	Joel Borders	<i>Tomorrow is revision day. They're just all panicking</i>
03/03/2019 17:40:36	U/K	PC Comfort	<i>We can wasap [sic] in the exam right?</i>
03/03/2019 17:46:25	U/K	Joel Borders	<i>Yes</i>
03/03/2019 17:46:30	U/K	Joel Borders	<i>And google</i>
03/03/2019 17:48:49	U/K	PC Comfort	<i>Sorted then</i>
03/03/2019 17:49:43	U/K	PC Comfort	<i>Z6 the cunt isn't there tomorrow wondering if it at a special persons convention</i>

05/04/2019 07:20:51	off	PC Cobban	<i>Me too. I want to taser a cat and a dog to see which reacts better. I think the cat will get more pissed off and the dog will shit it. I wanna test this theory.</i>  <i>Same with children. Zap zap you little fuckers.</i>
05/04/2019 07:44:57	off	Joel Borders	<i>And a couple of downys*? 🤔</i>

15/05/2019 17:27:46	off	PC Cobban	<i>Joel you met Z9 yet? She's a fucking tard* 🤔</i>
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12/06/2019 14:49:52	on	PC Cobban	<i>I can confirm that the met keep bigger more retarded biffs than the cnc ever did...</i>
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23/08/2019 15:42:30	off	PC Neville	<i>There's a couple of guys from the counties on my team, we've started calling them Met Mongs*...</i>
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> **Officer accounts relating to comments about disability**

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**Joel Borders**

93. Due to the number of comments on other topics put to Joel Borders during his criminal and misconduct interview he was not specifically asked about the messages he sent which referenced disability.

**PC Jonathon Cobban**

94. PC Cobban stated he made a typo and meant to write “turd” in the message he sent on 15 May 2019, “Joel you met Z9 yet? She’s a fucking tard 🤔”. PC Cobban did not provide any further explanation to this comment.

**PC William Neville**

95. PC Neville stated he used humour in the message he sent on 28 August 2019, “There’s a couple of guys from the counties on my team, we’ve started calling them Met Mongs...” PC Neville explained he meant stupid when he referenced “Met Mongs” but would now not use this term and regrets saying it because he understands the ramifications of using it. PC Neville also stated at the time of sending the message he did not know the term “mong” was offensive.

> **Drugs**

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96. Examination of the messages sent in the WhatsApp group chat indicate PC Cobban, PC Neville and Joel Borders participated in a conversation on 25 March 2019 which appeared to potentially make inappropriate reference to drugs. The table below outlines this conversation and also details whether the officer was on or off duty at the time the message was sent.

Table 9: Messages sent in reference to drugs.

<b>Date &amp; Time</b>	<b>On Duty?</b>	<b>From</b>	<b>Message</b>
25/03/2019 09:04:02	on	PC Neville	<i>i'm keen, however I have cut down on my beer intake.... so it'll be a pint and then coke!</i>
25/03/2019 09:04:18	on	PC Neville	<i>"raid the property store for us will ya?"</i>
25/03/2019 09:04:56	on	PC Cobban	<i>Mate I can get you a gram of the white stuff for a ton. 80 pure.</i>
25/03/2019 09:04:58	off	Joel Borders	<i>I'll bring a gram and we can split it? 🙄</i>
25/03/2019 09:05:36	on	PC Neville	<i>go halves [sic] on it? taken a pay cut mate</i>
25/03/2019 09:06:32	on	PC Cobban	<i>Could just cut it up a bit... split between us. Should last us an evening.</i>
25/03/2019 09:07:21	on	PC Neville	<i>i'll be trooping till the early morning then. we can go into soho ....</i>
25/03/2019 09:07:47	on	PC Neville	<i>go to the blue light district</i>
25/03/2019 09:07:49	off	Joel Borders	<i>I took some from the evidence room when we were at Holloway nick on Friday 😊</i>
25/03/2019 09:07:59	on	PC Cobban	<i>It'll be interesting, i normally only powder as a morning pick me up after a sesh</i>

97. The evidence indicates there was not a property store or evidence room at Holloway Police Station in 2019. Training records confirm Joel Borders, PC Cobban and PC Neville studied at Holloway University during their police training. There is no property store at Holloway University.

### > Officer accounts relating to comments about drugs

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98. Joel Borders, PC Cobban and PC Neville all stated in their responses under caution that the messages were sent as 'jokes'. PC Neville explained the message, *"i'm keen, however I have cut down on my beer intake.... so it'll be a pint and then coke!"* was

meant literally and he was talking about Coca Cola not cocaine. PC Neville described his later messages as an “*elaboration on a joke of a fictitious scenario*”. PC Cobban referred to the messages as silly remarks and stated it was ridiculous to suggest the officer were going to get cocaine. PC Cobban explained at the time he sent these messages he did not have experience of the devastating effects that drugs have and would not joke about this now.

99. In addition, Joel Borders, PC Cobban and PC Neville denied ever taking cocaine or any controlled substance.

### > Challenging inappropriate comments

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100. None of the officers’ have said they challenged or reported any of the conduct of the officers within the WhatsApp group chat. There is no evidence of any reports being made by the officers in regards to the content of the group.

101. There is no evidence within the messages sent in the WhatsApp group chat to indicate Joel Borders, PC Bailey, PC Cobban, PC Forster or PC Neville challenged any potentially inappropriate comments made by other officers in the WhatsApp group chat.

102. There is however evidence to indicate PC Comfort may have potentially challenged a message sent by Joel Borders on 25 April 2019. However, it is unclear the context in which PC Comfort replied “Gays” and the officer himself has not highlighted this as a challenge from him.

Table 10: Message sent by PC Comfort on 25 April 2019.

<b>Date &amp; Time</b>	<b>On Duty ?</b>	<b>From</b>	<b>Message</b>
25/04/2019 13:52:54	off	Joel Borders	<i>She will use me as an example. Lead me on then get me locked up when I rape and beat her! Sneaky bitch*</i>
25/04/2019 13:54:02	off	PC Comfort	Gays

25/04/2019 13:56:53	off	Joel Borders	<i>What the fuck does that mean?!?</i>
25/04/2019 13:58:38	off	PC Comfort	<i>No idea</i>
25/04/2019 13:59:03	off	PC Comfort	<i>Is that supposed to be funny</i>
25/04/2019 13:59:20	off	Joel Borders	<i>No</i>
25/04/2019 13:59:55	off	PC Comfort	<i>Pointless comment then</i>

### > General accounts from each subject

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#### PC Gary Bailey

103. PC Bailey stated he did not regularly monitor the WhatsApp group and he did not recall seeing particular messages sent by other members because he was undertaking his police training at Hendon. PC Bailey confirmed he was added to the group on 30 July 2019, and he was not an active member.
104. During his misconduct interview, PC Bailey was unable to explain his understanding of the Equality Act (2010) or the term misogyny. PC Bailey stated he only read messages sent by other members if they asked him a direct question. He stated for the majority of the time he would open the group in order to remove the notification alert and would not read the messages. PC Bailey explained he did not intend for his messages to cause any offense and on reflection he should have challenged some of the comments made by other members.
105. PC Bailey was provided some messages sent by other members before he was added to the group. PC Bailey stated these messages were shocking and there was no indication that this language was being used when he joined the group. PC Bailey described some of the messages sent before he joined the WhatsApp group chat as humour *“that is too dark for him”*.

#### Joel Borders

106. In Joel Borders' response under caution, he provided an explanation to 28 messages he sent in the WhatsApp group. In addition to the messages already detailed in this report, evidence from the WhatsApp groups indicates Joel Borders made comments about the following topics:

- Driving with reference to speeding, drinking alcohol and texting whilst driving
- Female police officers with reference to the gym clothes they wear during practical training

107. In his response under caution, Joel Borders made several references to "*dark humour*" and sending comments as a way to deal with work stresses. He also stated on numerous occasions that the messages he sent do not reflect the views he holds. Joel Borders maintained that he was always professional whilst on duty and the messages he sent did not influence the way he interacted with victims of crime.

108. Furthermore, Joel Borders explained prior to September 2019 he had undertaken classroom-based training and had not worked with members of the public as a police officer. After he responded to emergencies and became more experienced in his role as a police officer he became aware that the jokes he previously made were not appropriate. However, Joel Borders stated, "*I dispute that any of these are grossly offensive and meet the standard required of a criminal offence.*"

#### **PC Jonathon Cobban**

109. In PC Cobban's response under caution, he provided an explanation to 19 messages he sent in the WhatsApp group. In addition to the messages already detailed in this report, evidence from the WhatsApp group indicates PC Cobban made comments about the following topics:

- Iberia with reference to the term "*spicky\* fucks*"
- Knife crime victims with reference to population control
- AIDS with reference to the "*Sultan of Brunei*"
- Reference to imitating a terrorist attack at a New Zealand mosque in 2019

110. In his response under caution, PC Cobban made several references to using sarcasm and humour in the group describing messages as “*shock humour*”. He explained that he sent messages “*quickly*”, “*without much thought*” and to be “*funny*”.
111. At the end of his response under caution, PC Cobban stated he is deeply embarrassed and ashamed of messages he sent in the WhatsApp group, describing the group as “*immature*” and “*naive*”. PC Cobban further stated the comments were made in a private WhatsApp group between friends and he did not intend to cause any offence. PC Cobban denied committing a criminal offence.
112. In two of PC Cobban’s messages he made reference to the Directorate of Professional Standards (DPS) and other monitoring parties following potentially inappropriate comments. In his response under caution and in his interview, PC Cobban did not explain why he referred to DPS in these messages. However, on 18 October 2021, PC Cobban provided a further response under caution following his interview. In this response PC Cobban stated he did not consider WhatsApp to be a public communication platform and did not believe the DPS was monitoring the WhatsApp group. He explained he made reference to DPS to emphasise the messages were jokes.

#### **PC Daniel Comfort**

113. At the end of PC Comfort’s response to notice he stated he deeply regretted the remarks he made. He said he was sorry for the upset he may have caused. He further stated he understands his:

*“...responsibilities to report inappropriate racist or sexist comments. Having looked at the comments again they do contain racist and sexist remarks”*

114. He stated he should have reported some of the comments but said he did not take any of them seriously at the time. He did not, at the time, consider any of the comments to relate to what he described as “*reportable*” behaviour.

#### **PC Matthew Forster**

115. PC Forster stated he rarely monitored the WhatsApp group and feels embarrassed and disappointed that he did not notice comments made in the chat. He further stated

had he been aware of police officers making such comments he would have “*at the very least*” challenged them and disengaged from the group. He went on to say he would have reported the comments which “*simply should not be uttered by serving police officers.*”

116. During his misconduct interview, PC Forster again stated he was not very active in the WhatsApp group, he could not recall instigating any conversations and he only replied to comments “*a handful of times*”. PC Forster explained he did not monitor the group regularly and he muted this group along with other WhatsApp groups numerous times during work hours. PC Forster stated when he unmuted the group he would scroll through unread messages sent by other members and, unless his name was referenced, he would not read the messages.
117. During interview evidence was shown to PC Forster which indicated he had replied to some potentially inappropriate comments or been part of conversations where they were made. In response PC Forster stated he did not challenge some of the comments sent by other officers because he did not believe the messages were serious or had any real threat or intention behind them.
118. At the end of the interview, PC Forster stated that some of the messages he sent were not acceptable and if these messages were seen by public he expressed “*they would not be impressed*”. PC Forster acknowledged his participation in the WhatsApp group could undermine public confidence in policing.

#### **PC William Neville**

119. In PC Neville’s response under caution, he provided an explanation to 27 messages he sent in the WhatsApp group. In addition to the messages already detailed above, the evidence from the WhatsApp group shows PC Neville made comments about the following topics:
- London community with reference to Pakistan
  - Uber drivers with reference to the name Mohammed
  - Bomb hoaxes
  - Terrorism act warrants

- Mental health and the use of Taser

120. In his response, PC Neville made several references to using humour in the group describing messages as “*crass humour*”, “*controversial humour*”, “*observational comedy*” and “*ironic jokes*”. PC Neville explained he used the WhatsApp group, on occasion, to “*vent*” after dealing with stressful days at work. However, he stated the views he expressed are not views that he holds.

121. PC Neville further said he regrets many of the messages he sent, however he did not accept they were grossly offensive. He stated many of the messages “*are not enough to amount to gross misconduct*”; he did not identify those which he believed did amount to gross misconduct.

## > Training

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122. The evidence indicates officers received training on equality and diversity when they were previously employed at the CNC and while they were employed by the MPS.

### CNC training

123. The table below outlines the online e-learning training each officer completed at the CNC in respect to the Equality Act (2010), equality and diversity and social media.

Officer	Equality & Diversity	Equality Act (2010)	Social Media
PC Gary Bailey	03/09/2013 25/07/2017 02/10/2017	08/11/2017 18/04/2018 12/05/2018	08/11/2017
Joel Borders	26/06/2015 07/07/2018	15/09/2017 10/01/2018 26/04/2018	16/01/2018



PC Jonathon Cobban	N/A	05/02/2015	07/08/2018
PC Daniel Comfort	02/07/2014 16/01/2018 02/07/2018	12/08/2015 16/01/2018 03/04/2018 31/05/2018 02/07/2018	02/07/2014 10/12/2017 14/12/2017
PC Matthew Forster	26/09/2015	14/09/2014 15/11/2018 02/05/2018	17/12/2014 15/10/2017
PC William Neville	21/12/2017 23/07/2018	26/09/2016 14/09/2017 12/12/2017 21/12/2017 20/01/2018 26/01/2018 23/07/2018	N/A

124. In addition, the CNC advocate what is known as “protected characteristic custodians”, this includes race and diversity custodians. The CNC intranet page describes these custodians as:

*“CNC employees with specialist knowledge and understanding of the equalities agenda who are willing and ready to represent interests of a specific equality group”.*

125. PC Cobban was the firearms training unit race and diversity custodian at the CNC in 2017. Custodians provide social, moral and professional support through equality support groups to employees with protected characteristics. The evidence suggests PC Cobban did not undertake additional internal or external training to perform this

role. PC Cobban referenced this position in a message he sent in the WhatsApp group on 7 May 2019 where he stated: *“I was race and diversity custodian or whatever they’re called for cnc. I’m an expert at all things 🤔👏”*.

### MPS training

126. PC Forster started MPS training on 28 October 2018. Joel Borders, PC Cobban, PC Comfort and PC Neville started training on 11 February 2019 followed by PC Bailey who started on 24 June 2019.

127. The table below outlines the online e-learning training each officer completed at the MPS in respect to the Equality Act (2010) and equality and diversity.

Officer	Equality & Diversity	Equality Act (2010)
PC Gary Bailey	N/A	26/06/2019 17/11/2019
Joel Borders	N/A	N/A
PC Jonathon Cobban	N/A	27/02/2019
PC Daniel Comfort	N/A	12/03/2019
PC Matthew Forster	N/A	15/01/2019 18/03/2019
PC William Neville	N/A	11/03/2019

## > Policies, procedures, legislation and training considered

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128. During the investigation, I have examined relevant national and local policies, legislation and training, as set out below. This will enable consideration whether the

policies were complied with, and whether the existing policies were sufficient in these circumstances.

### > S.127 Communications Act 2003

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129. Section 127 of the Communications Act (2003) relates to the improper use of public electronic communications network. The act states:

*“A person is guilty of this offence if he:*

- *sends by means of a public electronic communications network a message of other matter that is grossly offensive of or an indecent, obscene or menacing character; or*
- *causes any such message or matter to be so sent.”*

### > Equality Act 2010

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130. The Equality Act 2010 provides a legal framework to protect the rights of individuals. The Act protects people from discrimination, harassment or victimisation on the basis of “protected characteristics” as outlined below:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- women
- sexual orientation

131. Police officers are expected to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act.

### > Code of Ethics

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132. Officers are expected to use the Code to guide their behaviour at all times, including behaviour on or off duty. The Code states every person working for the police service must work honestly and ethically.

133. The policing principles particularly relevant to this investigation are outlined below:

- Accountability – you are answerable for your decisions, actions and omissions
- Fairness – you treat people fairly
- Integrity – you always do the right thing
- Leadership – you lead by good example
- Respect – you treat everyone with respect

### > Standards of Professional Behaviour (SOPB)

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134. The SOPB, reflected in the Code of Ethics, are a statement of the expectations that the police and the public have of how police officers should behave. The SOPB particularly relevant to this investigation are outlined below:

- Authority, respect and courtesy
- Equality and diversity
- Conduct
- Challenging and reporting improper conduct

#### **Authority, respect and courtesy**

135. According to this standard police officers must act with self-control and tolerance, treating members of the public with courtesy and response. Police officers must

respect the rights of all individuals and avoid any behaviour that might impair their effectiveness or damage either their own reputation or that of policing.

136. Police officers should keep an open mind and not prejudge situations or individuals. They must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public.

### **Equality and diversity**

137. According to this standard police officers must uphold the law regarding human rights and equality; they must treat all people fairly, with respect and impartially. Police officers should take a proactive approach to opposing discrimination to adequately support victims, encourage reporting and prevent future incidents.
138. Police officers should also consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity.

### **Conduct**

139. According to this standard police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing. Police officers should avoid any activities that comprise their position or a colleague's position in policing.

### **Challenging and reporting improper conduct**

140. Police officers must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
141. According to this standard if a police officer feels they cannot question or challenge a colleague directly, they should report their concerns through a line manager, a force reporting mechanism or other appropriate channel.

142. The CNC training and policies particularly relevant to this investigation are outlined below:

- Equality and diversity training
- Social media policies

#### **Equality and diversity training**

143. The content of the equality and diversity training packages from 2017/18 is not available. However, it has been confirmed that the course would contain information on the Equality Act (2010). The modules teach employees about the provisions of the Equality Act (2010), the characteristics protected under the Act and the importance of dealing with incidents of discrimination.

#### **Social media policies**

144. The social media policy (2017) outlines CNC's position on what is acceptable use of social media, emphasising high standards of behaviour from all employees is expected both on and off duty. The policy states the use of social media for private purposes on duty is not permitted and every employee is responsible for ensuring the reputation of the CNC is upheld.

145. It further states all employees can be held accountable for what information they put on social media, both in the public domain and in a private social media account including WhatsApp. The policy outlines all employees should not post material that is prejudicial, bullying, discriminatory, harassing, obscene or threatening.

146. If an individual becomes aware of actions on social media by another employee which could constitute to be misconduct or a criminal offence, they have an obligation to report it.

147. The CNC social media policy was updated in 2019, however their position on the points outlined above did not change.

### **> MPS Training**

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148. The MPS initial training can be broken down into two main sections:
- Certificate of Knowledge in Policing (CKP)
  - Foundation course
149. The CKP is classroom based training which involves an introduction to law and legislation. The training requires officers to pass written exams before continuing to the foundation course.
150. The foundation course involves classroom based training and practical training. Although the timetable of the training may differ across intakes, the first three days will include presentations from the Senior Leadership Team (SLT) and the DPS. Officers will be informed about the expectations of them as MPS employees including information on social media, professionalism and the Code of Ethics.
151. The Code of Ethics is taught as an interactive lesson which discusses each code and why they exist, followed by the Standards of Professional Behaviour. Within the equality and diversity standard, officers are taught to take a proactive approach to discrimination so as to adequately support victims and treat people according to their needs. Within the confidentiality standard, officers are taught about using social media responsibly and safely and to ensure nothing they publish online can reasonably be perceived to be discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive or otherwise incompatible with policing principles.
152. In addition, there is a diversity and public confidence discussion based lesson which examines how identity shapes values and beliefs which in turn reflect attitudes and responses to situations. It also looks into the Human Rights Act, explores prejudice and stereotyping.
153. However, diversity training is not a 'stand-alone' subject taught in isolation, diversity and inclusion and the Code of Ethics are woven though as considerations for other lessons, such as victim codes and stop and search.

### **E-Learning training**

154. Within the foundation course, officers will complete online training courses. The online training particularly relevant to this investigation is outlined below:

- Equality Act (2010)
- Equality and diversity

155. The Equality Act (2010) online training looks into the key provisions of the Act including the nine protected characteristics covered by the Act. The training identifies the different types of prohibited conduct outlined in the Act and discusses the importance of being aware of your attitudes and beliefs and how these influence behaviour. It also looks into the potential impact of prohibited conduct on individuals, communities and the police service.

156. This training is mandatory for all officers and staff to complete and will only need to be completed again if there were any updates. It is the responsibility of Boroughs and supervisors to ensure the online training is completed.

## > Analysis of the evidence

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157. All of the subject officers have accepted that they were part of the WhatsApp group chat and none of them have denied sending the messages attributed to them. As such the decision maker may accept that the act of sending the messages occurred. It is therefore necessary for her to consider whether the messages were inappropriate to the extent that the officers have a case to answer for allegations against them. She will also need to assess the severity of the behaviour and in doing so consider the defences each officer has put forward for their actions.

158. To assist the decision maker in reaching the appropriate decisions in this case I will firstly analyse one defence raised by all but one of the officers. These officers have all stated the messages sent within the WhatsApp group chat were meant to be humorous. Following this I will go on to analyse each officer's conduct individually.

## > Humour

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159. Every officer, except PC Comfort, referenced humour as an explanation for some of the messages they sent in the WhatsApp group chat. The specific references each officer made to humour are outlined in the table below.

Officer	Reference to humour
PC Bailey	described his messages as an attempt to be funny and said they were meant as jokes
Joel Borders	described using <i>“dark humour”</i>
PC Cobban	described using <i>“shock humour”</i> and stated he was attempting to be funny
PC Forster	described his messages as <i>“bad jokes”</i>
PC Neville	described using <i>“crass humour”, “controversial humour”, “observational comedy”</i> and stated they were <i>“ironic jokes”</i>

160. In their accounts, officers said they used humour in their messages and did not intend to cause any offense. The evidence demonstrates that officers made negative comments about six of the characteristics protected under the Equality Act (2010) on numerous occasions between February and October 2019. These included derogatory comments about the race and ethnicity of West London residents; comments about a former CNC colleague who identifies as white/Asian; the religion of Islam; women’s capabilities; people with disabilities; the sexual orientation of members of the public and policing colleagues; and gender reassignment.

161. As well as negative and potentially derogative comments about those with protected characteristics the officers also made comments about other matters. These include references to committing sexual offences; causing bodily harm to members of the public, children and animals; committing driving offences; taking drugs and imitating a terrorist attack.

162. As detailed above, some of the language used by the officers has been accepted by them to be offensive and inappropriate. Several officers have said they cannot excuse

the use of certain language and on reflection see that what they said could be offensive. The decision maker may wish to assess the extent to which she considers some of the language used by the officers to be known as unacceptable and inappropriate by the general public, not just police officers. This includes the use of some highly offensive racist and homophobic terms which are rightly condemned in modern society. As well as comments about committing serious acts of violence and sexual assault.

163. The decision maker may also wish to consider whether she accepts the account of these officers that their behaviour within this group was largely intended to be humorous. If she does accept this explanation, then she may wish to go on to consider whether this in itself has the potential to be considered a breach of the standards of professional behaviour leading to a case to answer. In assessing this the number of messages sent between the officers and the subject matter of those messages may be relevant.

> **PC Gary Bailey**

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**Messages sent**

164. PC Bailey told the IOPC he was not an active member of the group. The evidence supports PC Bailey’s account and confirms he sent only 30 messages in the WhatsApp group chat (0.48% of all messages). This investigation has only identified two messages, sent by PC Bailey, which could potentially be considered inappropriate, these message reference both race and ethnicity and women.

<b>30/07/2019 22:43:13</b>	<b>off</b>	<b>PC Bailey</b>	<b><i>Fuck that , i want to know jons secret of how to groom the young hot foreign girls</i></b>
30/07/2019 22:43:58	off	PC Cobban	<i>Drugs!</i>  <i>And the threat of Brexit!</i>
<b>30/07/2019 22:44:14</b>	<b>off</b>	<b>PC Bailey</b>	<b><i>Take em for some prawn balls you’re in</i></b>

165. The evidence indicates PC Bailey showed a lack of understanding about what may be considered offensive. During his interview, PC Bailey stated he lacked knowledge and understanding of the Equality Act (2010) and the term misogyny. Training records confirm PC Bailey completed online training on the Equality Act (2010) in June and November 2019 while serving with the MPS. He also received several training inputs on equality and diversity and the Equality Act (2010) during his time at the CNC. PC Bailey had clearly received training on equality and diversity before he was added to the WhatsApp group in July 2019.
166. PC Bailey told the IOPC he made a “grave error” in the wording he used, specifically with reference to grooming “*the young hot foreign girls*”. However, PC Bailey appeared to contradict himself during his misconduct interview when he said his messages do not contain offensive language but later acknowledged that members of the public, particularly women, “*would not be impressed*”, if they saw his comments.
167. According to the standards of professional behaviour, police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. The standards of professional behaviour outline police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
168. The decision maker may wish to consider the following in assessing whether PC Bailey has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:
- PC Bailey accepted the messages attributed to him were in fact sent by him.
  - PC Bailey appeared to contradict himself in his view of whether the messages he sent could be considered offensive or not.
  - Messages sent by PC Bailey appear to be inappropriate and derogatory towards women and those of a different race, ethnicity or nationality.

- PC Bailey appears to have only sent two inappropriate comments within the WhatsApp group chat.
- The severity of the language used in the messages sent by PC Bailey in comparison to those sent by other subject officers.
- PC Bailey stated he lacked knowledge understanding in relation to equality and diversity.
- A civilian member of the public would be aware the comments made by PC Bailey could be considered inappropriate and offensive.
- PC Bailey offered an apology for any upset he may have caused.

### Failure to challenge

169. The evidence confirms PC Bailey did not challenge or report any of the messages sent by other members of the WhatsApp group. However, PC Bailey was only added to the group on 30 July 2019 and therefore could not have been expected to challenge messages sent by officers prior to this date.

170. PC Bailey was, however, in the WhatsApp group chat for several of the messages outlined in this report including comments such as:

09/08/2019 10:17:55	off	PC Cobban	<i>Oh yeah I dealt with one of those, hospital guard for some attention seeking self harming fag</i>
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07/08/2019 19:07:04	on	Joel Borders	<i>I'm thinking of writing a new sitcom called "everyone hates Z1", it's going to be based on a fat cunt that thinks he's cool as fuck but really everyone thinks he's a prick and he only get anywhere by playing the race card.</i>
07/08/2019 19:14:58	off	Wayne Couzens	<i>I'm trying to think of the ideal actor who could play him, I'm loving the idea tho.</i>
07/08/2019 19:15:46	on	PC Neville	<i>Jonah hill covered in marmite?</i>

171. During his interview, PC Bailey was asked about messages it was believed he would have seen. PC Bailey stated, on reflection, he should have challenged some of the comments made by other members of the WhatsApp group. The officer did not provide any account that he challenged these messages either within or outside of the group.
172. PC Bailey was not however in the group when other comments were made, including comments which the decision maker may consider to be more severe. It is also relevant, when assessing PC Bailey's conduct, to consider that the volume of potentially inappropriate comments made while he was in the group was lower than during the period he was not. The evidence indicates there were approximately 60 potentially inappropriate messages sent by officers after PC Bailey was added to the WhatsApp group chat
173. According to the standards of professional behaviour, all officers have a duty to challenge inappropriate behaviour of colleagues, irrespective of the person's rank, grade or role. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
174. The decision maker may wish to consider the following in assessing whether PC Bailey has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:
- PC Bailey was added to the group on 30 July 2019 and could not have been expected to challenge messages sent by officers prior to this date. However, he was in the group at the time some potentially inappropriate messages were sent.
  - The evidence shows PC Bailey was not an active member of the group, indicating he may have not read and seen some of the messages outlined in this report.
  - There is no evidence on the WhatsApp group of any challenge made by the officer.

- There are no records indicating any reports were made by PC Bailey about the conduct of colleagues in this group and PC Bailey has not provided any account that he challenged or reported the behaviour.
- PC Bailey has, on retrospect, stated he should have challenged some of the comments he was aware of.

## > Joel Borders

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### Messages sent

175. The evidence confirms Joel Borders was an active member of the WhatsApp group and sent 1983 messages (32% of the total messages sent). There is evidence to suggest that within those messages he sent a number of potentially inappropriate, discriminatory and derogatory comments in relation to the following matters:

Content of message	Number of messages
Race and ethnicity	24
Women	15
Rape, sexual offences and victims of crime	4
Violence	17
Sexual orientation	4
Gender reassignment	2
Disability	5
Drugs	2
<b>Total</b>	<b>73</b>

176. Due to the volume of messages, I will not repeat the content of them here. Examples of the types of messages sent by Joel Border are outlined above. Joel Borders did not deny sending any of the messages attributed to him
177. Joel Borders indicated he had a lack of understanding about what may be considered offensive at the time he sent these messages. He told the IOPC that prior to September 2019 he had only undertaken classroom-based training with the MPS and had not worked with members of the public as a frontline police officer. Joel Borders said after he responded to emergencies and became more experienced in his role, he became aware that the jokes he previously made were not appropriate and he would never make comments like those now.
178. Training records show Joel Borders received training on equality and diversity and the Equality Act (2010) on several occasions during the time he was serving with the CNC. This training included the Equality Act (2010), the characteristics protected under the Act and the importance of dealing with incidents of discrimination. The decision maker may also wish to consider the extent to which some of the language used and comments made by Joel Borders are widely understood to be inappropriate.
179. Joel Borders said he engaged in the WhatsApp group as a way to cope with stresses of the job. For example, he referred to the messages he sent on 20 March 2019, which referenced starving children in Africa and eating flies as being sent to cope with the job. He did not provide further description of what the stresses of the job specifically were.
180. The evidence confirms Joel Borders started MPS training on 11 February 2019 and he did not start his role as a frontline police officer until September 2019, prior to this date he was undertaking classroom-based training which he would have been in at the time messages regarding African children were sent. Joel Borders sent 1576 (79.5%) of the 1983 of his messages to the group before he started his role as a frontline police officer.
181. Some of the messages sent by Joel Borders and outlined in this report were sent while he was on duty. Specifically, the following:

07/08/2019 19:07:04	on	Joel Borders	<i>I'm thinking of writing a new sitcom called "everyone hates Z1", it's going to be based on a fat cunt that thinks he's cool as fuck but really everyone thinks he's a prick and he only get [sic] anywhere by playing the race card.</i>
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07/08/2019 16:15:14	on	PC Neville	<i>Neville. 3 domestics back to back today</i>
07/08/2019 16:15:56	on	Joel Borders	<i>I bet they all had one thing in common  Women that don't listen</i>

02/10/2019 15:19:59	on	Joel Borders	<i>If I'm a fat cunt but I identify as skinny does that make me trans-slender?</i>
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182. It has not been possible to establish what duties Joel Borders was performing when he sent these messages.

183. Furthermore, the evidence shows Joel Borders made several negative comments about his colleague, Z1. He acknowledged one of his messages comes across badly but described Z1 as a friend who he is still in touch with. When assessing Joel Borders' comments about Z1 the decision maker may wish to take into account the language he used, for example referring to him as a "fat cunt", "a prick", stating he played the "race card" and he "hopes he takes his own life".

184. According to the standards of professional behaviour, police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. The standards of professional behaviour outline police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.



185. The decision maker may wish to consider the following in assessing whether Joel Borders has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:

- Joel Borders accepted the messages attributed to him were in fact sent by him.
- Messages sent by Joel Borders negatively reference a wide range of people including those with protected characteristics defined under the Equality Act (2010).
- Joel Borders appears to have used violent and offensive language within these messages.
- Joel Borders sent a high volume of potentially discriminatory and inappropriate messages.
- Joel Borders admitted some of the language used by him could be considered inappropriate.
- Joel Borders denied he is racist or discriminatory in any way and explained that the messages he sent were not intended to be taken literally or reference his actual feelings towards people.
- A civilian member of the public would be aware that comments made by Joel Borders could be considered inappropriate and offensive.
- Some relevant messages have been identified as being sent while the officer was on duty. Both on and off duty conduct is covered by the standards of professional behaviour.
- The severity of the language used in the messages sent by Joel Borders in comparison to those sent by other subject officers.
- Joel Borders has not offered an apology for any of the messages he sent within the WhatsApp group.

#### **Failure to challenge**

186. The evidence indicates Joel Borders did not challenge or report any potentially inappropriate messages sent by other members of the WhatsApp group. The ex-officer did not provide any account that he challenged these messages either within or

outside of the group. Joel Borders did not provide any information as to why he did not challenge or report the messages.

187. Joel Borders was part of the WhatsApp group throughout the time period which this investigation covers. He was therefore part of the group for all the comments outlined in this report and others not included. He was clearly a very active member of the group and can therefore be expected to have seen and read many of the comments which were made. Joel Borders will also have been aware of the volume and subject matters of these messages.

188. As noted above the standards of professional behaviour outline that all officers have a duty to challenge inappropriate behaviour of colleagues, irrespective of the person's rank, grade or role. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.

189. The decision maker may wish to consider the following in assessing whether Joel Borders has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:

- Joel Borders was an active member of the group, indicating he would have seen and read many of the messages outlined in this report. The former officer has not denied he saw the messages.
- The volume of potentially inappropriate and discriminatory messages shared in which the officer can be reasonably assumed to have known about.
- There is no evidence on the WhatsApp group of any challenge made by the Joel Borders.
- There are no records indicating any reports were made by Joel Borders about the conduct of colleagues in this group and Joel Borders has provided no account he challenged or reported the behaviour.
- Joel Borders has not provided not explanation for why he failed to challenge or report any behaviour.

> **PC Jonathon Cobban**

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**Messages sent**

190. The evidence confirms PC Cobban was an active member of the WhatsApp group and sent 1695 messages (27.3% of all messages). There is evidence to suggest that within those messages he sent a number of potentially inappropriate, discriminatory and derogatory comments in relation to the following matters:

<b>Content of message</b>	<b>Number of messages</b>
Race and ethnicity	27
Women	12
Rape, sexual offences and victims of crime	8
Violence	9
Sexual orientation	7
Gender reassignment	2
Disability	2
Drugs	3
<b>Total</b>	<b>70</b>

191. Due to the volume of messages, I will not repeat the content of them here however examples of the messages are outlined above. PC Cobban has not denied sending any of the messages attributed to him.

192. PC Cobban told the IOPC he sent messages in the group chat “*quickly*” and “*without much thought*”. PC Cobban said he is not racist, misogynistic or homophobic which is demonstrated by the fact that the best man at his wedding is gay and PC Cobban


supports his wife in her career. However, he also stated he is embarrassed and ashamed of the messages he sent.

193. In PC Cobban's first response under caution he said he believed the WhatsApp group to be a private forum. However, the evidence shows PC Cobban made reference to DPS and other monitoring parties on two occasions; the first in a conversation where he suggested he had put his hands around a child's throat and the second after a message about vulnerable victims of crime. PC Cobban did not explain why he made specific reference to the DPS in his messages. PC Cobban later told the IOPC that when he referenced DPS monitoring the group he did so to emphasise the comments were jokes.
194. PC Cobban described himself as "*naive*" when he first joined the MPS and said he lacked experience. PC Cobban said that he has grown a lot as a person in the last two years and went on to say that after gaining experience policing areas such as Hounslow and Feltham he would not say some of the things he did in this WhatsApp group. However, PC Cobban was a race and diversity custodian while he was at the CNC. This role requires a person to have specialist knowledge and understanding of the issues relating to race and diversity and a willingness to represent people with protected characteristics. The fact PC Cobban was in this role in the CNC may be relevant to considerations about his understanding of what was and was not appropriate at the time he sent these messages.
195. PC Cobban said he does not hold the gender identity views he expressed in his messages and feels more informed now than he did in 2019. PC Cobban told the IOPC he has received training on equality and now has a better understanding on gender identity but he was not specific about dates, times or the content of the training he made reference to. His training records show he received training on the Equality Act (2010) in February 2019, prior to the messages sent in this WhatsApp group, there is no record of him receiving further equality training after this date.
196. In assessing the above the decision maker may wish to also take in to account PC Cobban's age and length of service with the CNC and the MPS. PC Cobban is 34 years old, and had been employed as a police officer since 2013. The CNC is not a public facing policing body and CNC officers have limited contact with members of the

public. However, the decision maker may wish to consider the extent to which some of the matters referenced in PC Cobban’s messages are common knowledge and do not require any special training or experience.

197. Some of the messages sent by PC Cobban as outlined in this report appear to have been sent while he was on duty. These include:

22/03/2019 09:09:17	on	PC Cobban	<i>Precisely why women shouldn't be coppers. They can't hack it. Stick them back in the kitchen where they belong!</i>
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25/04/2019 12:50:23	on	PC Cobban	<i>Haha you're gonna [sic] touch her on a drunken night and spend the rest of you [sic] life in prison</i> 
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25/04/2019 12:51:12	on	PC Cobban	<i>Or during a stop search scenario!</i>  <i>Z3: "#metoo"</i>
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03/05/2019 07:34:34	on	PC Cobban	<i>Fucking hell. Diversity being taught by a right miserable lesbian.</i>  <i>What a joy.</i>  <i>Boys at Marlowe be grateful!!</i>
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198. The message sent on 3 May 2019 would appear to indicate PC Cobban was on a diversity training course at the time.

199. Other messages sent on duty include:

07/08/2019 16:15:14	on	PC Neville	<i>Neville. 3 domestics back to back today</i>
07/08/2019 16:15:56	on	Joel Borders	<i>I bet they all had one thing in common</i>  <i>Women that don't listen</i>

21/06/2019 21:37:01	on	PC Cobban	<i>That's alright, DV victims love it... that's why they are repeat victims more often than not.</i>
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200. It is not known what duties the officer was on at the time these message were sent.

201. According to the standards of professional behaviour police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. The standards of professional behaviour outlines police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

- The decision maker may wish to consider the following in assessing whether PC Cobban has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:
- PC Cobban accepted the messages attributed to him were sent by him.
- Messages sent by PC Cobban appear to contain negative and potentially derogatory comments towards people with protected characteristics defined under the Equality Act (2010) as well as other colleagues and members of the public. Some messages also contain violent and threatening language.
- PC Cobban sent a high volume of potentially discriminatory and inappropriate messages.
- PC Cobban accepted that some of the messages he sent within this WhatsApp group chat were inappropriate and he regrets sending them.

- A civilian member of the public would be aware that comments made by PC Cobban could be considered inappropriate and offensive.
- Some of the messages sent by the officer were sent while he was on duty including comments about victims of crime. Both on and off duty conduct is covered by the standards of professional behaviour.
- The severity of the language used in the messages sent by PC Cobban in comparison to those sent by other subject officers.
- PC Cobban has offered an apology for any upset he may have caused.

### **Failure to challenge**

202. The evidence indicates PC Cobban did not challenge or report any potentially inappropriate messages sent by other members of the WhatsApp group. The officer did not provide an account that he challenged these messages either within or outside of the group. PC Cobban did not provide any information as to why he did not challenge, or report messages sent by other officers.
203. As with Joel Borders, PC Cobban was a very active member of the WhatsApp group and was part of many of the conversations during which potentially inappropriate or discriminatory comments were made. The officer was also part of the group throughout the time this investigation is concerned with. PC Cobban can therefore be assumed to have read most, if not all, the messages outlined in this report. He will also have been aware of the volume of such messages being shared in the group.
204. As stated above all officers have a duty to challenge inappropriate behaviour of colleagues. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
205. The decision maker may wish to consider the following in assessing whether PC Cobban has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:

- PC Cobban was an active member of the group, indicating he would have seen and read many of the messages outlined in this report and the officer has not denied seeing the messages.
- The high volume of potentially inappropriate messaging within the group.
- There is no evidence on the WhatsApp group of any challenge made by the officer.
- There are no records indicating any reports were made by PC Cobban about the conduct of colleagues in this group and PC Cobban has not provided any account he challenged or reported the behaviour.

## > PC Daniel Comfort

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### Messages sent

206. The evidence indicates PC Comfort was an active member of the WhatsApp group and sent 1184 messages (19.1% of all messages). There is evidence to suggest that within those messages he sent a number of potentially inappropriate, discriminatory and derogatory comments in relation to the following matters:

<b>Content of message</b>	<b>Number of messages</b>
Race and ethnicity	8
Women	4
Sexual orientation	2
Disability	1
<b>Total</b>	<b>15</b>

207. Due to the number of messages, I will not repeat the content here but examples are outlined above. PC Comfort has not denied sending any of the messages attributed to him.



208. PC Comfort told the IOPC he regrets the comments he made and apologised for any upset caused. PC Comfort accepted some of the messages he sent could be *“misconstrued as offensive”* and said he did not intend for his messages to have a racist or discriminatory meaning.
209. According to the standards of professional behaviour, police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. Police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
210. The decision maker may wish to consider the following in assessing whether PC Comfort has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:
- PC Comfort accepted the messages attributed to him were in fact sent by him.
  - The evidence shows PC Comfort sent messages which he has, during the course of this investigation, admitted were inappropriate and could be misconstrued as offensive.
  - Messages sent by PC Comfort appear to be inappropriate and derogatory towards people with protected characteristics defined under the Equality Act (2010).
  - A civilian member of the public would be aware that comments made by PC Comfort could be considered inappropriate and offensive.
  - The severity of the language used in the messages sent by PC Comfort in comparison to those sent by other subject officers.
  - PC Comfort has not sought to justify his actions and has offered an apology for any upset he may have caused.

### Failure to challenge

211. PC Comfort acknowledged in his response to notice that some of the messages sent by other officers contained racist and sexist remarks which he should have reported at the time. The officer did not provide any account that he challenged these messages either within or outside of the group.
212. A review of the messages in the WhatsApp group chat found limited evidence of any challenges by PC Comfort. There may be one occasion which could potentially be viewed as PC Comfort challenging an inappropriate comment sent by Joel Borders on 25 April 2019. In this exchange of messages Joel Borders made a comment about raping a colleague. PC Comfort responded with the phrase “Gays” and later a comment of *“is that supposed to be funny”*. Although it is not clear whether this was a challenge to the message sent by Joel Borders the context could potentially indicate it was.
213. PC Comfort was an active member of the group, he engaged in many of the conversation where potentially inappropriate and discriminatory comments were made. The officer also at times acknowledge of like such comments. PC Comfort was in the WhatsApp group from the beginning of the time period covered by this investigation. He can therefore be assumed to have seen and read many of the messaged outlined in this report. He would also have been aware of the volume of such messages; the type of language being used and subject matter being referred to.
214. According to the standards of professional behaviour, all officers have a duty to challenge inappropriate behaviour of colleagues, irrespective of the person’s rank, grade or role. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
215. The decision maker may wish to consider the following in assessing whether PC Comfort has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:

- PC Comfort was an active member of the group, indicating he would have seen and read many of the messages outlined in this report and the officer has not sought to deny he saw the messages.
- There is very limited evidence on the WhatsApp group of any challenge made by the officer except potentially on one occasion.
- The volume and content of the message sent within the group.
- There are no records indicating any reports were made by PC Comfort about the conduct of colleagues in this group and PC Comfort has not provided any account he challenged or reported the behaviour.
- PC Comfort has, on retrospect, stated he should have challenged and reported the comments.
- PC Comfort has not sought to defend the comments in any way and accepts some of them appear to be discriminatory.

## > PC Matthew Forster

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### Messages sent

216. PC Forster told the IOPC he was not an active member of the group and engaged in conversation “*a handful of times*”. The evidence confirms PC Forster sent 72 messages (1.2% of all messages) which could support he was not as active as other members. This investigation has only identified two messages, sent by PC Forster, which could potentially breach the standards of professional behaviour. Specifically:

22/02/2019 12:06:20	off	Wayne Couzens	<i>Messy one, lovely. Remember Forster, it's got to be consensual!</i>
<b>22/02/2019 12:07:22</b>	<b>U/K</b>	<b>PC Forster</b>	<b><i>They've only got to say yes once</i></b>

<b>22/03/2019 09:09:58</b>	<b>U/K</b>	<b>PC Forster</b>	<b><i>She does look like she'd make a great sandwich</i></b>
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217. PC Forster told the IOPC he could not defend the comments he made. He said he understood the impact the messages he and the other officers sent could have on public confidence in policing.
218. There is no evidence PC Forster sent other inappropriate or discriminatory comments about other subject matters including: race and ethnicity; sexual orientation; disability; or gender reassignment.
219. As outlined above all police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. The standards of professional behaviour outline police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
220. The decision maker may wish to consider the following in assessing whether PC Forster has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:
- PC Forster accepted the messages attributed to him were in fact sent by him.
  - The evidence shows PC Forster sent two messages which he has, during the course of this investigation, admitted were unacceptable.
  - Messages sent by PC Forster appear to be inappropriate and derogatory towards women and reference sexual offences.
  - A civilian member of the public would be aware that comments made by PC Forster could be considered inappropriate and offensive.
  - PC Forster has not sought to justify his actions and has offered an apology for any upset he may have caused.
  - PC Forster accepted that his actions could undermine public confidence in policing.

### **Failure to challenge**

221. The evidence indicates PC Forster did not challenge or report any of the messages sent by other officers on the WhatsApp group which PC Forster accepts. In his response to notice, PC Forster said he is a member of numerous WhatsApp groups and very rarely monitored this particular group chat. This is potentially supported by the amount for messages PC Forster sent in the group, just 1.2% of the total messages despite him being in the group from February 2019. As such it is possible, he did not see all the messages outlined in this report. However, PC Forster appears to have been involved in some conversations where apparently inappropriate comments have been made.
222. PC Forster initially said, in his response to notice, that if he had been aware of police officers making some of the comments contained in this group he would have challenged them and disengaged from the group. However, PC Forster provided a slightly different account during his misconduct interview when he was shown messages it appeared he would have seen. He explained he did not challenge or report these messages because he did not believe the comments were serious or had any real intention behind them.
223. All officers have a duty to challenge inappropriate behaviour of colleagues. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
224. The decision maker may wish to consider the following in assessing whether PC Forster has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:
225. The evidence shows PC Forster was not as active as other members of the group, indicating he may have not seen and read many of the messages outlined in this report.
- There is no evidence on the WhatsApp group of any challenge made by the officer.

- PC Forster has not sought to defend the comments in any way but did state, at the time he did not take the comments he read seriously or consider they had any intention behind them.
- There are no records indicating any reports were made by PC Forster about the conduct of colleagues in this group and PC Forster has provided no account he challenged or reported the behaviour.
- PC Forster has, on retrospect, stated he should have challenged and reported the comments.

## > PC William Neville

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### Message sent

226. The evidence confirms PC Neville was an active member of the WhatsApp group and sent 660 messages (10.7% of all messages). There is evidence to suggest that within those messages he sent a number of potentially inappropriate, discriminatory and derogatory comments in relation to the following matters:

<b>Content of message</b>	<b>Number of messages</b>
Race and ethnicity	13
Women	4
Rape, sexual offences and victims of crime	6
Violence	2
Sexual orientation	1
Disability	1
Drugs	5
<b>Total</b>	<b>32</b>

227. Due to the number of messages I will not repeat their content here as examples are outlined above. PC Neville has not denied sending any of the messages attributed to him.
228. PC Neville told the IOPC he regrets many of the messages he sent and the comments do not represent his views. However, PC Neville also did not accept many of the comments were grossly offensive and stated "*many are not enough to amount to gross misconduct*". PC Neville chose not to respond during interview when he was asked which messages he believes could amount to gross misconduct.
229. PC Neville made negative comments about various individuals and protected characteristics but told the IOPC he was not aware that certain terminology, specifically "*mong*" and "*pikey*", were offensive as he had only been working of the MPS for six months. PC Neville said he is now aware that this language is unacceptable and understands the ramifications of using these terms.
230. Training records confirm PC Neville received online equality and diversity training in July 2018 at the CNC and in March 2019 at the MPS. The content of those training courses included information on the Equality Act (2010) and the importance of dealing with incidents of discrimination. The decision maker may wish to consider the strength of PC Neville's explanation for his lack of understanding about offensive terminology in light of his training records and also with reference to how widely known the terms he used are.
231. PC Neville said he engaged in the WhatsApp group as a way to cope with the stresses of the job. PC Neville explained on occasion he used the WhatsApp group to "*vent*" after dealing with difficult days at work and stressful situations. He explained he maintained professionalism in his job because he had the group to vent to. However, the evidence confirms PC Neville started MPS training on 11 February 2019, the training would have lasted approximately 4-5 months and it is believed he would not have gone on to street duties until around July 2019. A large number of messages sent by the officer were sent during this period. The decision maker may therefore wish to consider the types of duties the officer was on and the associated stress of

those duties when sending these messages (largely MPS training and away from frontline duties) when reaching her decisions.

232. Some of the messages sent by PC Neville were sent while he was on duty.

22/03/2019 09:10:38	on	PC Neville	<i>As punishment did you get her to Iron your shirt.</i>
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01/05/2019 12:22:08	on	PC Neville	<i>There's a question about sexual offences, half way through intercourse the woman says no, that is rape</i>
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01/05/2019 12:22:42	on	PC Neville	<i>Supposedly</i>
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233. A further message sent while on duty was:

07/08/2019 19:15:46	on	PC Neville	<i>Jonah hill covered in marmite?</i>
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234. It is unknown what duties the officer was performing when this message was sent.

235. All police officers must ensure their behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public. They should consider the needs of protected characteristic groups and actively seek opportunities to promote equality and diversity. The standards of professional behaviour outline that police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

236. The decision maker may wish to consider the following in assessing whether PC Neville has a case to answer in relation to the allegation that he sent inappropriate and discriminatory comments within the WhatsApp group chat:

- PC Neville has accepted the messages attributed to him were in fact sent by him.



- Messages sent by PC Neville appear to be inappropriate and derogatory towards people with protected characteristics defined under the Equality Act (2010) as well as other colleagues and members of the public.
- PC Neville has accepted that the language in some, but not all, of the message he sent could be considered inappropriate. He states he regrets those messages.
- A civilian member of the public would be aware that comments made by PC Neville could be considered inappropriate and offensive.
- Some messages sent by PC Neville were sent on duty and while he was at training. However, both on and off duty conduct is covered by the standards of professional behaviour.
- The severity of the language used in the messages sent by PC Neville.
- Although PC Neville has said he regrets some of the messages he sent he has not offered an apology for any upset he may have caused.

### **Failure to challenge**

237. A review of the messages in the WhatsApp group chat found no evidence of any challenges by PC Neville. PC Neville did not provide any account that he challenged or report any behaviour within the group.
238. As with several other officers, PC Neville was part of the WhatsApp group from February 2019. He was therefore a member of the group throughout the period the messages outlined in this report were being sent. PC Neville was an active member of the group and participated in many of the conversations within which potentially inappropriate comments were made. PC Neville also, at time, expressed acknowledged or amusement towards such comments.
239. According to the standards of professional behaviour, all officers have a duty to challenge inappropriate behaviour of colleagues, irrespective of the person's rank, grade or role. Police officers have a positive obligation to question the conduct of colleagues that falls below the expected standards and, if necessary, challenge, report or take action against such conduct.

240. The decision maker may wish to consider the following in assessing whether PC Neville has a case to answer for the allegation that he failed to challenge inappropriate behaviour of colleagues within the WhatsApp group chat:

- PC Neville was an active member of the group, indicating he would have seen and read many of the messages outlined in this report and the officer has not denied he saw the messages.
- The volume of the messages sent in the WhatsApp group along with the severity of the language used and the subject matter they concerned.
- There is no evidence on the WhatsApp group of any challenge made by the officer.
- There are no records indicating any reports were made by PC Neville about the conduct of colleagues in this group and PC Neville has provided no account he challenged or reported the behaviour.

## > Learning

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241. Throughout the investigation, the IOPC has considered learning with regard to the matters under investigation. The type of learning identified can include improving practice, updating policy or making changes to training.

The IOPC can make two types of learning recommendations under the Police Reform Act 2002 (PRA):

- Section 10(1)(e) recommendations – these are made at any stage of the investigation. There is no requirement under the Police Reform Act for the appropriate authority to provide a formal response to these recommendations.
- Paragraph 28A recommendations – made at the end of the investigation, which do require a formal response. These recommendations and any responses to them are published on the recommendations section of the IOPC website.

242. Throughout this investigation, I have carefully considered whether any learning should be considered by the decision maker.

243. One matter which the decision maker may wish to consider is the culture within which this WhatsApp group existed. Despite only knowing each other to varying degrees (PC Cobban was the only officer who stated he knew all members of the WhatsApp group) the officers have found it acceptable to engage in sharing what they describe as dark humour. This humour included such matters as comments about raping a colleague, assaulting members of the public, the use of discriminatory language and wishing colleagues would come to harm.
244. The officers often sought to defend their comments or failure to challenge those comments by reference to them not being serious or not believing the person had any intent to do the things they were saying. This has been specifically raised in relation to threats of violence and messaging referencing committing criminal offences.
245. The decision maker may wish to consider why these officers felt comfortable engaging in this type of messaging without challenge. This may be indicative of a wider culture where this behaviour is accepted amongst certain groups of police officers both in the CNC and the MPS<sup>3</sup>.

## > Next steps

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246. The decision maker will now set out their provisional opinion on the investigation outcomes. The decision maker will record these on a separate opinion document.
247. The decision maker will also identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.

## > Criminal offences

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248. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.

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<sup>3</sup> At time of publication, no learning recommendations have been issued to CNC and MPS in relation to the topic discussed.

249. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.
250. If this was a criminal investigation into a recordable offence and the decision maker is of the view, on or after 1 December 2020, there is no indication or it is not appropriate to refer the matter to the CPS, the Victims' Right to Review may apply. If so, the decision maker's decision will be provisional and any victim, as defined by the Victim's Code, will be entitled to request a review of that provisional decision.

Further information on the availability of the VRR is available here:

[https://policeconduct.gov.uk/sites/default/files/Documents/appeal\\_forms/IOPC\\_victims\\_right\\_to\\_review\\_policy.pdf](https://policeconduct.gov.uk/sites/default/files/Documents/appeal_forms/IOPC_victims_right_to_review_policy.pdf)

# Conduct matter

## Operation Argens

Investigation into allegations of discriminatory and inappropriate comments made by Metropolitan Police officers within a WhatsApp group chat

- > Independent investigation report
- > Appendices

## > Appendix 1: The role of the IOPC

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The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

### > The investigation

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At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation is also subject to a quality review process.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation.

### > Investigation reports

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Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will reach a provisional opinion on the following:

- a) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;
- b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);
- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
- d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).

The decision maker will also decide whether to make individual or wider learning recommendations for the police.

### > **Misconduct proceedings**

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Having considered any views of the appropriate authority, the decision maker is required to make the final determination and notify the appropriate authority of their determinations, as follows:

- a) whether any person to whose conduct the investigation has related has a case to answer for misconduct or gross misconduct or has no case to answer;
- b) whether the performance of any person to whose conduct the investigation related is unsatisfactory; and

- c) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take.

The decision maker may also make a determination as to any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).

### > **Unsatisfactory Performance Procedures**

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UPP is defined as an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level.

The decision maker can recommend and, where necessary, direct an appropriate authority to refer an officer to any stage of the Unsatisfactory Performance Procedures (UPP). The appropriate authority must comply with a direction from the decision maker and must ensure proceedings progress to a proper conclusion. The appropriate authority must also keep the decision maker informed of the action it takes in response to a direction concerning performance proceedings.

### **Practice Requiring Improvement**

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Practice Requiring Improvement (PRI) is defined as underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the policing Code of Ethics.

Where PRI is identified the Reflective Practice Review Process (RPRP) is followed. However, there may be instances where PRI is identified, but for a variety of reasons the RPRP process is not instigated, for example on the grounds of officer wellbeing.

RPRP is not a disciplinary outcome but a formalised process set out in the Police (Conduct) Regulations 2020. It is more appropriate to address one-off issues or instances where there have been limited previous attempts to address emerging concerns around low-level conduct. In some instances it may be appropriate to



escalate the matter to formal UPP procedures where there is a reoccurrence of a performance related issue following the completion of the Reflective Practice Review Process.

The IOPC cannot direct RPRP: it can only require the appropriate authority to determine what action it will take.

## **Criminal proceedings**

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If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

### **> Publishing the report**

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After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.

## > Appendix 2: Individual allegations

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The individual allegations against each officer are outlined in their notices below.

### > PC Gary Bailey

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It is alleged that, between 2 March 2019 and 30 October 2019, you made discriminatory comments in relation to race and ethnicity and inappropriate comments about women in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you sent approximately one discriminatory comment and approximately one inappropriate comment.

Furthermore, it is alleged that you did not challenge or report discriminatory and inappropriate comments made by other members of the group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty”.*
- Equality and diversity – I will not discriminate unlawfully or unfairly... *“you must uphold the law regarding human rights and equality; treat all people fairly and*

*with respect; treat people impartially.”*

- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour... *“You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

### > **Joel Borders**

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It is alleged that, between 2 March 2019 and 30 October 2019, you made discriminatory comments in relation to race and ethnicity and inappropriate comments about domestic abuse victims, women and other individuals in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you sent approximately 16 discriminatory comments and approximately 33 inappropriate comments.

Furthermore, it is alleged that you did not challenge or report discriminatory and inappropriate comments made by other members of the group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in

policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty”.*

- Equality and diversity – I will not discriminate unlawfully or unfairly... *“you must uphold the law regarding human rights and equality; treat all people fairly and with respect; treat people impartially.”*
- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour... *“You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

### > **PC Jonathon Cobban**

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It is alleged that, between 2 March 2019 and 30 October 2019, you made discriminatory comments in relation to race and ethnicity and inappropriate comments about domestic abuse victims, women and other individuals in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you sent approximately 23 discriminatory comments and approximately 14 inappropriate comments.

Furthermore, it is alleged that you did not challenge or report discriminatory and inappropriate comments made by other members of the group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty”.*
- Equality and diversity – I will not discriminate unlawfully or unfairly... *“you must uphold the law regarding human rights and equality; treat all people fairly and with respect; treat people impartially.”*
- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour... *“You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

### > PC Daniel Comfort

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It is alleged that, between 2 March 2019 and 30 October 2019, you made discriminatory comments in relation to race and ethnicity and inappropriate comments about women in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you sent approximately three discriminatory comments and approximately six inappropriate comments.

Furthermore, it is alleged that you did not challenge or report discriminatory and inappropriate comments made by other members of the group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty”.*
- Equality and diversity – I will not discriminate unlawfully or unfairly... *“you must uphold the law regarding human rights and equality; treat all people fairly and with respect; treat people impartially.”*
- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour... *“You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

> **PC Matthew Forster**

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It is alleged that, between 2 March 2019 and 30 October 2019, you did not challenge or report discriminatory comments in relation to race and ethnicity and inappropriate comments about domestic abuse victims, women and other individuals in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you did not challenge or report approximately 49 discriminatory comments and approximately 68 inappropriate comments.

Furthermore, it is alleged you sent approximately two inappropriate comments in the WhatsApp group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty”.*
- Equality and diversity – I will not discriminate unlawfully or unfairly... *“you must uphold the law regarding human rights and equality; treat all people fairly and with respect; treat people impartially.”*
- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards

of professional behaviour... *“You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

> **PC William Neville**

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It is alleged that, between 2 March 2019 and 30 October 2019, you made discriminatory comments in relation to race and ethnicity and inappropriate comments about domestic abuse victims, women and other individuals in a WhatsApp group chat which comprised of yourself and six other police officers who you worked with at the CNC. The WhatsApp group chat was known by two names “Bottles & Stoppers” and “Atkin’s puppets”.

It is alleged that you sent approximately three discriminatory comments and approximately six inappropriate comments.

Furthermore, it is alleged that you did not challenge or report discriminatory and inappropriate comments made by other members of the group.

I consider the discriminatory and inappropriate comments you made is a potential breach of the following standards of professional behaviour:

- Authority, respect and courtesy – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy... *“avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing”.*
- Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing... *“As a police officer, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your*



*behaviour, whether on or off duty”.*

- Equality and diversity – I will not discriminate unlawfully or unfairly... *”you must uphold the law regarding human rights and equality; treat all people fairly and with respect; treat people impartially.”*
- Challenging and reporting improper conduct - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour... *”You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct. If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel”.*

## > Appendix 3: Offensive terms

The table below outlines offensive terms used by officers in the WhatsApp group.

<b><u>Term</u></b>	<b><u>Explanation</u></b>
<b>Wog</b>	A racist term used to describe people who are not white.
<b>Mong</b>	An offensive term associated with a person who has an intellectual disability, especially one associated with Down's syndrome (often used as a general term of abuse)
<b>Pikey</b>	A discriminatory term used to describe people from the Traveller community.
<b>Bitch</b>	A derogatory term used to describe women.
<b>Retard/ Tard</b>	An offensive term used to describe a person who has an intellectual disability (often used as a general term of abuse).
<b>Downy</b>	An offensive term associated with people with Downs Syndrome, as well as other disabilities.
<b>Binner</b>	Believed to be a term used to describe people who retrieve or collect items from bins, either for use or for onwards sale.
<b>Gay/ Gay boy</b>	A term used to describe people who are homosexual; when used in a derogatory manner it is done so to cause offense.
<b>Lesbo</b>	An offensive term used to describe gay women.
<b>Fag</b>	A homophobic slur used to describe gay men.
<b>Fat cunt</b>	An offensive phrase used to describe an overweight person.
<b>Spick/ Spicky</b>	An offensive term used to describe someone of Hispanic origin.
<b>Red Skin Indian</b>	An outdated and offensive term used to describe Native Americans/ Indigenous Americans.
<b>Whore</b>	An offensive term used to describe women.
<b>Slag</b>	An offensive term used to describe women
<b>Snowflake</b>	A derogatory term used to describe people who may raise concerns about social issues or ask people to consider other's feelings.

<b>Special</b>	Short for “special educational needs”. Using “special” on its own in this context is an offensive term used to describe someone with learning difficulties.
<b>Milf</b>	A derogatory term used to describe a woman who has children and is considered attractive. It is an acronym of the phrase ‘Mother/ Mum I’d like to Fuck’ (meaning to have sexual intercourse with).
<b>Flid</b>	An offensive term used to describe someone with physical and/or learning difficulties. It was originally used to describe someone with bodily impairments caused by Thalidomide and has also been used to describe someone as an ‘invalid’.
<b>Bender</b>	An offensive term for a gay man.
<b>Rain Man</b>	The Rain Man film was about an autistic man. It can be used in a derogatory way to mock someone who is believed to have traits typically associated with autism.