

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE MINISTRY OF DEFENCE POLICE (CONDUCT, PERFORMANCE
AND APPEALS TRIBUNALS) REGULATIONS 2020

IN THE MATTER OF:
PC BRIAN LOVE

DECISION OF THE PANEL

ACC Trevor Clark (Chair)
Pradeep Agrawal (Independent Panel Member)
Alison Abu (Independent Panel Member)

A: INTRODUCTION

1. The misconduct hearing for PC Brian Love ("the Officer") was held in public between 26th and 27th January 2026. A notice of hearing was published in accordance with the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 ("the 2020 Regulations").

B: THE ALLEGATIONS

2. The Panel was referred to a Regulation 29 notice in respect of PC Love containing the allegations and that his conduct amounted to gross misconduct, namely:

PC Brian Love, your conduct is alleged to have fallen below the standard expected of a serving police officer in such a way that you contravened the Standards of Professional Behaviour.

It is further alleged that your conduct in respect of these allegations, taken individually or cumulatively, is so serious that it amounts to gross misconduct or, alternatively, misconduct. Therefore, your case is referred to a misconduct hearing.

Allegation 1

On a number of occasions on or around August 2023 until March 2024 you used your X (formerly Twitter) account [REDACTED] to actively comment and/ or like posts which were discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive and/ or likely to give rise to the impression among members of the public that you would not discharge your duties impartially.

Allegation 2

On a number of occasions on or around August 2023 until March 2024 you used your X (formerly Twitter) account [REDACTED] to actively comment and/ or like posts which were political and/ or likely to give rise to the impression among members of the public that you would not discharge your duties impartially.

Allegation 3

Since at least 2021 you have developed an alcohol addiction / dependency, for which you only begun to seek treatment in March 2024. Since at least 2021 you have accordingly been unfit for your duties, particularly for front-line roles and/ or armed roles.

Allegation 4

Since at least 2021 you have failed to inform your supervisor that you were unfit to carry out your duties - particularly firearms related duties - and dishonestly and/ or recklessly and/ or in breach of the relevant policies, practices and requirements took possession of firearms and ammunition.

Professional Standards

It is alleged that your conduct as alleged, either individually or cumulatively, breached the following Standards of Professional Behaviour:

Honesty and Integrity: *You failed to act with honesty and integrity.*

Authority, Respect and Courtesy: *You failed to act with self-control and tolerance and failed to treat members of the public with respect and courtesy. You abused your power by taking possession of firearms and ammunition when you ought not to have done so.*

Equality and Diversity: *You failed to act with fairness and impartiality, and without unlawful discrimination / unfairness.*

Orders and Instructions: *You failed to abide by police regulations, force policies and lawful orders.*

Duties and Responsibilities: *You failed to be diligent in the exercise of your duties and responsibilities because you were unfit to perform them, and dishonestly and/ or recklessly failed to disclose that you were unfit.*

Fitness for duty: *You were/ are not fit to be on duty and to carry out your responsibilities.*

Discreditable conduct: *You behaved in a manner which discredited the police service and undermined public confidence in it.*

Reliance is also placed upon the Police Regulations 2003/527 (particularly Schedule 1), the Code of Ethics 2024, the Authorised Police Practice on Vetting (2021), the APP on Armed Policing, the Armed Policing & Less Lethal Weapons Standard Operating Procedures and the wording of the Armed Duty Book.

C: REPRESENTATION

3. The Relevant Authority ("the RA") was represented by Conor Monighan of Counsel. The Officer attended and was accompanied by PS Clive Wooding, Defence Police Federation representative.
4. The Panel were assisted by Stacey Patel, Legally Qualified Advisor ("the LQA").

D: THE PANEL'S APPROACH

5. The Panel reminded itself it was: -
 - a. Required to consider the facts of the case and to make its findings of fact in relation to each of the allegations;
 - b. Determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the Officer amounted to misconduct or gross misconduct.
6. The Panel reminded itself that the burden of proof is on the Relevant Authority throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
7. The Panel have approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A secondary purpose is to be declaratory of high professional standards and a final purpose is to protect the public and officer and staff by preventing similar misconduct recurring in the future.
8. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - a. The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 including in particular the Standards of Professional Behaviour at schedule 3;
 - b. The definition of misconduct given at Schedule 1 of the Regulations: "a breach of the Standards of Professional Behaviour so serious as to justify disciplinary action";
 - c. The definition of gross misconduct given at Schedule 1 of the Regulations: "a breach of the Standards of Professional Behaviour so serious that dismissal would be justified".
9. The Panel applied the decision of Wyn Williams J in *Chief Constable of Wiltshire v Police Appeals Tribunal (Paul Woollard Interested Party)* [2012] EWHC 3288 (Admin) and notes that in order to prove a breach of the Standard relating to Discreditable Conduct it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient that the officer's behaviour had the potential to do so.

E: EVIDENCE

10. The panel had been provided before the hearing with the following documents:
 - a. A final Hearing Bundle comprising of 543 pages

- b. An opening note on behalf of the RA.
- c. Character reference statements and record of service from the Officer

11. The Panel also heard evidence from PC Brian Love

F: THE BACKGROUND

12. On a number of occasions between August 2023 – March 2024 the Officer used his X (formerly Twitter) account [REDACTED] to comment and / or like concerning posts. Since at least 2021 the Officer developed an alcohol addiction and only sought treatment in March 2024, following the vetting decision relating to Twitter / X activity. The Officer has therefore been unfit for his duties since 2021, particularly for front-line and armed roles.

G: EVIDENCE

- 13. The RA did not call any live evidence but relied on all the documents contained in the bundle. Mr Monighan highlighted that the relevant posts on X have near perfect punctuation and grammar and that the Officer has previously acknowledged that no one else had access to his accounts.
- 14. With regards to alcohol consumption, Mr Monighan submitted that since early 2021, the Officer admitted that he consumed excessive amounts of alcohol. There is also an overlap between the duties and the posts as there are multiple occasions when there is a post one evening and the officer is back on duty at 7.30am the following day.
- 15. Concerning failure to declare the Officer's alcohol problem, Mr Monighan directed the Panel to the various Occupational Health reports and applicable policies and rules. Mr Monighan continued to submit that these policies show that the Officer failed to declare his alcohol dependency and repeatedly signed out weapons and lied to supervisors when he stated that he was fit for duty.

PC Love

- 16. The Officer stated that he could not remember adding or liking any posts on Twitter / X. It was only after the vetting decision in March 2024, that he then had to explain why it was there and he admitted it was due to his drinking. The Officer admitted the posts were racist and offensive but denied he was frustrated by immigration [REDACTED]
- 17. The Officer stated that he was angry and disgusted at the posts and attended Alcoholics Anonymous almost immediately after he was informed about them. If he knew what was on X, he would not have submitted it to Vetting. There was nothing on his Facebook account, and he would not have picked just one platform to post. The Officer accepted that no one else had access to the account, but it was possible to get hacked as it is a common occurrence.
- 18. Regarding his drinking, the Officer stated that it got worse after Covid lock down and when he failed his vetting, and he did not know how bad his mental state was at time. During the week, he occasionally had a pint of beer with dinner but that was it. When

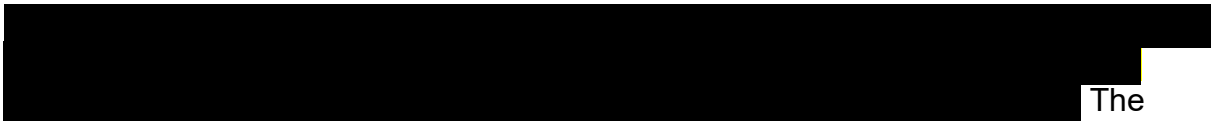
he spoke to Dr Sharp, he gave her a worst-case scenario. [REDACTED]

[REDACTED]. The Officer admitted that he would struggle to get out of bed after a night of drinking and often could not remember how he got into bed.

19. The Officer continued to state that none of his colleagues at work mentioned he was drunk, he did not smell of alcohol, and his colleagues would not have covered it up for him. He never had a hangover, and there was no reason to tell supervisors that he had drink problem as he didn't think he had. He stated that he passed the random drug and alcohol testing, although it was later evidenced that the last test was in 2015 and thus not in the relevant period. The Officer accepted that he was on duty the day after some of the posts were written but denied that he had passed out drunk from alcohol the night before. He was using a car share at the time to get to work, and none of his colleagues ever stated that he ever smelt of alcohol, nor did he drive erratically.
20. The Officer accepted that he was aware of the various policies and procedures in place. He admitted to not reading the entire relevant SOP but was aware of its general contents in that he needed to be fit for duty and not under the influence of alcohol. He also accepted going on refresher training. The Officer continued to say that it did not occur to him to make a declaration about alcohol as he simply did not realise he had an alcohol problem at the time. As far as he was concerned, he was always fit for duty. If he had heavily drank the night before, he would not have turned up for work the following day.

I: FINDINGS OF FACT

21. In making its findings of fact, the Panel had regard to all the documents contained in the Regulation 29 bundle. The fact that each document is not referred to does not mean that each document was not carefully considered.
22. The Panel heard advice from the LQA.
23. The Panel reminded itself of the standard of proof and the onus on the AA to prove those facts on the balance of probabilities. In line with the principle derived from *Bryne v GMC [2021] EWHC 2237 (Admin)*, the panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the conduct occurred; this goes to the quality of the evidence.
24. Looking at the case as a whole, the Panel determined that the Officer's account had evolved throughout the investigation, and he provided significant suggestions late in proceedings such as issues with mental health and the possibility of his account being hacked. The Officer had given various inconsistent accounts to medical professionals, line managers and also in interview. There were also changes in what the Officer admitted and denied which overall, led to confusing evidence. The Panel concluded that the Officer excused behaviours rather than explaining them. Overall, the Panel did not consider the Officer to be a credible witness.

25. Turning to the specific allegations. Allegations 1 and 2 are dealt with together as the evidence is the same for both and it avoids lengthy repetition.
26. The Panel looked at the posts themselves and agreed with the RA's assertion that these are cogent, deliberate posts that do not demonstrate a person suffering from either a severe drunken or mental health blackout. The Panel noted that the account was created in 2017 and there had been a significant amount of activity until it was deleted. In addition, some of the posts require an amount of effort, not all the posts are a simple, one click 'like', but sometimes a deliberate uploading and re-sharing of videos. The Officer states that he was suffering from mental health issues, however, there is nothing mentioned in the medical evidence that these issues were so serious as to cause blackouts. With regards his account being hacked, the Panel took into account that the Officer agreed the account was his and that no one else had access to it. The Officer provided no further evidence to contradict his own assertions and therefore the Panel determined that this was not a possibility.
27. Furthermore, on the Officer's own evidence, he admitted that the posts and 'likes' are abusive, racist and discriminatory in nature and he accepted under cross examination that they are not consistent with employment as a police officer.
28. For all these reasons the Panel found, on the balance of probabilities, allegations 1 and 2 proved.
29. Turning to Allegations 3 and 4, they are also dealt with mainly together, as the evidence overlaps for both.
30.  The Officer admitted that he had an alcohol addiction and while there are various assessments of what he drank and when, on any conclusion, they all amount to alcohol misuse.
31. On his own admissions, the Officer admitted hiding alcohol in the family home so his wife and child would not find out. He also accepted he could not get out of bed after a night of drinking, that he suffered memory loss and blackouts, and often could not remember going to bed when he woke the following morning. On balance, the Panel concluded that it was more likely than not the Officer knew he had an alcohol problem and the panel did not accept that he was unaware.
32. In addition, the Officer stated previously that he was "blackout drunk" when he made the X Posts and there is evidence from the rotas that he attended work the following day. The Panel noted that there is no evidence that the Officer actually attended work whilst drunk and accepted his evidence that no one ever reported him for being under the influence. However, the Panel concluded that on the Officer's own evidence, he admitted having a serious alcohol issue and this would have more likely than not affected his overall impairment and his ability to perform his job.
33. The Panel also considered the evidence of Dr Sharp which states that it was "*possible*" to have drunk excessively the night before and still be under the limit the following day. However, on the Officer's own evidence he stated that he drank "*ridiculous*" amounts of alcohol, and he had a problem at the time, so while the Panel

accepted that he “possibly” was under the prescribed limit, they determined that this did not negate his overall fitness for duty as he should not have signed out a firearm whilst having an alcohol issue. The Panel therefore concluded to not place considerable weight on this evidence.

34. In relation to being unfit for duty, the Officer accepted that he was aware of the Forces Policies and the College of Policing (APP) guidance, specifically:

Authorised Professional Practice Armed Policing Guidance - AFOs have a personal responsibility to inform the weapon issuing officer or a supervisor of anything that they believe may negatively impact on their fitness and ability to carry out their duties as an AFO.

MDP Armed Policing Standard Operating procedures (SOP) -

1.3.3 The AFO will sign the Armed Duty Book acknowledging receipt of the firearm/ammunition. By doing so, the AFO is also signing to the effect that they will comply with the requirements of the declaration at the top of the signature column.

6.7.22 - Officers have a personal responsibility to inform a supervisor of any circumstances where they believe that they may be unfit to carry out firearms duties.

35. The Panel considered the Officer’s assertions that he was not aware of each and every line contained in that SOP, however, even on his own evidence, he was “broadly aware” of the guidelines and policies and that they applied to him. The Officer accepted that he had an armed role during the relevant period and he signed the declarations when signing out a weapon.
36. The Officer was aware of all the relevant policies as he had been provided of the training. In addition, the relevant information was contained in a Weekly Bulletin dated 8th December 2023 and there was also a Firearms notice dated 17th November 2023 which informed all Officers of the SOP.
37. Turning to Allegation 4 specifically, the Panel determined that the Officer had an alcohol dependency which he ought to have known about, and there was a clear obligation to notify this to his supervisors. He deliberately hid this from his managers and still signed out firearms knowing that he had an alcohol issue.
38. In considering if the Officer acted dishonestly, the Panel applied the test as set out in *Ivey v Genting Casino [2017] UKSC 67* namely:
- a. What did the Officer actually know or believe at the time he did the matter that is said to be dishonest? In deciding that question, the Panel considered the reasonableness or otherwise of what he says he knew or believed; it is not necessary, however, for that belief to be reasonable – an unreasonable belief is still a belief;
 - b. Was the Officer’s conduct, in light of his knowledge/beliefs, honest or dishonest by the objective standards of ordinary decent people?

39. Applying the first limb, the Panel were satisfied that the Officer must have known he was drinking heavily at the time, it had been for a lengthy period of time that he was reporting for duty, and he knew at the time of reporting for duty that he had an alcohol problem. The Panel rejected the Officer's explanation that didn't think he had a problem.
40. Turning to the second limb, the Panel concluded that in the light of Officer A's knowledge and beliefs, a member of the public would objectively find this dishonest.
41. Therefore, the Panel found all the Allegations proved in their entirety.

J: BREACH OF STANDARDS AND DECISION ON MISCONDUCT

42. Turning to the Regulation 29 Notice and the allegations found proved therein, the RA referred to the Standards of Discreditable Conduct, Equality and Diversity, Orders and Instructions, Authority, Respect and Courtesy, Fitness for Duty and Honesty and Integrity. The Panel has carefully considered those standards and whether the conduct of the Officer has amounted to a breach of those standards.
43. The Panel reminded itself that in order to prove a breach of the Standard relating to Discreditable Conduct, it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient if the officer's behaviour had the potential to do so.
44. The Panel found that the Officer posted offensive and discriminatory posts on social media and thus did not treat all people with respect or in a fair manner. In addition, the Panel found that the Officer ought to have known that he had an alcohol problem and he knew that he ought to have divulged this before taking a firearm.
45. The Panel were therefore satisfied that all the mentioned Standards were breached.
46. Having found breaches of the Standards, the Panel has considered whether these breaches amount to gross misconduct – gross misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour so serious as to justify dismissal.
47. When deliberating, the Panel has reminded itself of the need to protect public confidence in and the reputation of the police service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.
48. The Panel has carefully considered the circumstances of the case and the breaches found. The Panel was particularly concerned by the fact the allegations found proved involved matters of discriminatory behaviour and dishonesty.
49. For these reasons, the Panel was entirely satisfied that the misconduct was properly to be categorised as gross misconduct.

M: DECISION ON OUTCOME

50. Regulation 41 (14) procedure provides that when considering the question of disciplinary action, before any such question is determined, the panel:

- a. Must have regard to the record of police service of the officer concerned.
 - b. May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
 - c. Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.
51. The Panel heard submissions from both Mr Monighan and the Officer and had sight of the Officer's service record.
52. The Panel has carefully considered all of the evidence and submissions made during the course of this hearing.
53. The Panel has regard to the College of Policing Guidance on Outcomes ("the Guidance") and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public, to maintain confidence in the police service, and to declare and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Guidance. The Panel approached its decision on outcome in three stages to determining the appropriate sanction:
Stage 1: Assess the seriousness of the misconduct.
Stage 2: Keep in mind the purpose of disciplinary action
Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.
54. In assessing the seriousness of the conduct found proven the panel have had regard to 4 issues namely:
- a. The Officer's culpability
 - b. The harm caused by the misconduct
 - c. The existence of any aggravating factors
 - d. The existence of any mitigation factors

Stage 1: Seriousness of misconduct

Culpability

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

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

56. The Panel also accepted that even though the Officer did not intend to cause the harm that he did, he could have also *"reasonably have foreseen the risk of harm."* (Para 4.11)
57. Furthermore, the Panel considered paragraph 4.12 which states:

Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust, but an officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct.

58. The Panel determined as the Officer was an Authorized Firearms Officer, this was a specific circumstance which increased his culpability as it places a specific emphasis on officers to be fit for duty.
59. It is also a specific type of serious misconduct, namely discrimination, and at paragraph 4.57 the guidance states:

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

60. The Panel also noted that, although this is not a case of operational dishonesty, nonetheless at para 4.26 the Outcomes Guidance states that:

Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously.

61. With this in mind, the Panel determined that the Officer's culpability was high.

Harm

62. In considering harm, the Panel noted that no actual harm was caused to any individual. However, the Panel also considered this is a type of reputational harm and noted paragraph 4.66

Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

63. The Panel therefore concluded that harm was high.

Aggravating Factors

64. Taking care not to double count, the panel considered the relevant factors to be:
- a. Concealing wrongdoing in question with regards to his alcohol.
 - b. Regular, repeated or sustained behaviour over a period of time.
 - c. Continuing the behaviour after the officer realised, or should have realised, that it was improper both in relation to his alcohol use.
 - d. Unlawful discrimination with regards to the X posts / likes.

- e. Significant deviation from instructions, whether an order, force, policy or national guidance in failing to declare his alcohol issues when signing out a firearm.
- f. Multiple proven allegations and/or breaches of the Standards of Professional Behaviour.

Mitigating factors

65. The Panel found the following:

- a. The Officer took steps to address the issues in that he deleted the X account and attended Alcoholics Anonymous almost immediately after his vetting was refused.
- b. The events occurred during a very stressful financial time for the Officer that may have affected the officer's ability to cope with the circumstances in question.
- c. Some evidence of genuine remorse in his final submissions.

Personal Mitigation

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

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

67. Nevertheless, the panel considered the character references that were provided on behalf of the Officer which contained many references to his professionalism and dedication to duty.

Stage 2: Keep in mind the purpose of disciplinary action

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

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

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

69. The Panel has considered first whether a Final Written Warning would suffice but concluded that this outcome would be insufficient to maintain the standing and reputation of the profession as a whole.
70. The Officer's conduct is incompatible with his role as a police officer. The conduct also involves posting highly offensive and discriminatory posts on social media and repeatedly failed to disclose an alcohol problem, and because of that is particularly serious as it significantly undermines the trust that the public need to have in their police for the service to be effective.
71. The Panel concluded that given the seriousness of the misconduct the only appropriate penalty having regard to the factors that it outlined above is **dismissal without notice for gross misconduct**.
72. **Right of Appeal.** In accordance with Regulation 42(2), the Relevant Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal. ("PAT"). The PAT may increase or decrease any penalty or overturn our decision.

Submitted on behalf of the Panel.
29/01/2026