

IN THE POLICE MISCONDUCT HEARING

**PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS
AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS
2024**

IN THE MATTER OF:

PC 3937 Aaron Harthill-Harrison

On 24th to 26th June 2026

PANEL'S REPORT

The Chair imposed a reporting restriction in this case to prevent the public disclosure of a member of the public, referred to as 'Person A', who was implicated in events that led to the matters subject to the hearing. This was that Person A will not be named in the public hearing or in any published material and that his suspected involvement in an offence of burglary and his home address would not be reported. The condition of public attendance was that Person A was not identified by any person attending. This order is without the limit of time.

DECISION OF THE PANEL

ACC Gary Hooks (Chair)

Mr Ian Crawford (Independent Panel Member)

and

Mr Colin Braziel (Independent Panel Member)

A: Introduction

1. The misconduct hearing for PC Harthill-Harrison was held in public between 24th and 25th June 2026 at Nottinghamshire Police Headquarters, Sherwood Lodge, Nottingham. Ahead of the hearing, a Notice of Hearing was published on 11th June 2026; in accordance with the Police (Conduct) Regulations 2020 ("the 2020 Regulations").

B: The Allegations

2. The allegations, as set out in the redacted Regulation 30 notice in respect of PC Harthill-Harrison ("the Officer"), included the following:

- 1) *'In respect of your conduct paragraphs 1.7 to 1.12 you failed to adequately and/ or at all carry out your duties diligently and/ or efficiently in respect of a live criminal investigation'.*
- 2) *'In respect of your conduct at paragraphs 1.13 and/ or 1.17, you were dishonest and/ or deliberately misleading'.*
- 3) *'Your conduct would undermine public confidence in the police service'.*

C: Representation

3. The Appropriate Authority ("the AA") was represented by Mr Adam Keenaghan of Counsel. The Officer was represented by the Federation Representative PS Mark Lee.
4. The Panel would like to thank the representatives for their assistance throughout the case, including the provision of an opening note.
5. The Panel was assisted by Ms Shaheen Mansoor, Legally Qualified Person.

D: Preliminary Issues

6. The Chair noted the amendments made to the original allegations owing to witness availability and the associated redactions to the bundle. This included the removal of paragraphs 1.14, 2.3 and 3.3 of the original Regulation 30 notice. Both parties were invited to raise any further preliminary matters.
7. The Panel was made aware that Mr Keenaghan and Mr Lee were in dialogue about character references and career conversations. The Chair confirmed that these had not, as that point, been considered by the Panel. It was agreed that the parties would engage in resolving these matters between themselves. The matter was not formally raised by any party during the course of the proceedings thereafter.

E: Regulation 30 Notice and Regulation 31 Response

8. The redacted Regulation 30 Notice was referenced and a summary provided by the Chair. This was that the misconduct alleged was set out in the Regulation 30 notice but, in summary, related to the Officer's actions on the 6th November 2024 when it was alleged that he failed to carry out his duties diligently and/ or efficiently in respect of a live criminal investigation; was dishonest or misleading in relation to his actions; conduct which, it was alleged, would undermine public confidence in the police service.

9. The Officer was provided with an opportunity to state whether the allegations made against him were admitted or denied. The Officer confirmed that his position remained as set out in his Regulation 31 response; namely, that the allegations were denied. Whilst the Officer accepted the incident was poorly handled and that his decision making was '*lacking*', he rejected his conduct amounted to misconduct and stated the assertion that he had been dishonest was wholly wrong.

F: The Panel's Approach

10. 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 the particulars;
 - b) Determine whether those findings of fact found constituted a breach of the relevant standard;
 - c) Determine whether the conduct found proven amounted to misconduct or gross misconduct.
11. The Panel took into account the relevant framework of regulations and guidance; including the following:
 - a) The 2020 Regulations, including in particular, the Standards of Professional Behaviour, set out in Schedule 2.
 - b) The 2018 Home Office Guidance on Conduct, Efficiency and Effectiveness (the "HOG"), including in particular chapter 2, which provides guidance relating to the Standards of Behaviour.
 - c) The definition of misconduct given at Regulation 2 (1) of the 2020 Regulations: '*...a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action*'.
 - d) The definition of gross misconduct given at Regulation 2 (1) of the 2020 Regulations: '*...a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal...*'.

12. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout and the standard of proof is the balance of probabilities, namely, *'what is more likely than not'*.
13. The Panel approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purposes being not to punish the Officer but to:
 - a) Maintain public confidence in and the reputation of the police service
 - b) Uphold the high standards in policing and deterring misconduct and
 - c) Protect the public
14. The Panel gave due consideration to the written and electronic evidence and heard the oral evidence and submissions made by the representatives. Although this document does not propose to set out every facet of the evidence and submissions, on the basis that this would be impractical, the Panel does summarise its principal findings and conclusions in this document.

G: Evidence

15. The Panel was provided with the following documents:
 - a) Bundle comprising of 184 pages; which included the Regulation 30 Notice and Regulation 31 Response.
 - b) Digital records of radio transmissions involving the Officer
 - c) The Officer's Body Worn Video ("BWV").
 - d) Custody CCTV recording.
 - e) Opening note from the Appropriate Authority.
 - f) Character references for the Officer.
16. The Panel also heard oral evidence from the Officer.

H: The Background

17. At all material times, the Officer was employed as a police constable with Nottinghamshire Police, having commenced employment on 28th July 2027.
18. On 6th November 2024, the Officer was rostered for duty to commence at 07:00 hours until 17:00 hours.

19. At approximately 09:03 on 6th November 2024, the Force Control Room ("FCR") received a report which related to an allegation that a male, namely, Person A, was acting suspiciously at a named address. The Officer was deployed single crewed. The Officer was also provided with the following information:
20. *"white male... skinny build...wearing his hood up – some stubble – dark blue hoodie – jacket over the top of hoodie – black joggers – possible JD bag – last seen climbing over the gate into the court about 3 mins ago. Caller says the male didn't know the code to get into the gate so jumped over and came in that way"*.
21. At approximately 09:11 hours and upon his arrival at the named address, the Officer received further information that Person A had come from the vicinity of the named address with a suitcase; which he had not been carrying when he entered the area and that the male had run towards the play area.
22. As the Officer arrived, a member of the public informed him that a male had gone towards the play area and that he had a suitcase with him.
23. The Officer attended the play area, where he encountered Person A standing in proximity to a suitcase. Person A largely matched the suspect's description that had been provided to the Officer; save that he did not have a JD bag and was wearing jeans rather than jogging bottoms.
24. The Officer spoke with Person A, who denied that he had stolen a suitcase.
25. The Officer asked Person A what was in the suitcase and Person A replied that he was not sure as the suitcase was, *"just chucked there"* and *"I just picked it up."*
26. The Officer asked Person A to confirm his home address, which he did. The Officer requested a PNC check through the airwaves.
27. PC 572 Walker informed the Officer over the airwaves that he had identified Person A as a suspect for a burglary the previous day. He said words to the effect of, *"Mate I'm telling you he will be stealing, he is prolific and I ID'd him for a sperate burglary yesterday"*.
28. The Officer took a photograph of Person A and allowed him to leave without arresting him. Person A did not take the suitcase with him. The Officer left the area without seizing the suitcase.

29. At approximately 09:17 hours, the Officer received a point-to-point radio call from PS 3821 Reynolds. PS Reynolds asked the Officer whether there was anything in the suitcase that was present in the play area. The Officer replied, "*no nothing was in it.*" It was alleged that this information was dishonest and misleading as the Officer had not searched the suitcase and could not, therefore, have known there was "*nothing*" inside it.
30. When the Officer returned to the area at approximately 09:18 hours, the suitcase had been removed. The suitcase could not be recovered; which resulted in loss of evidence relevant to an ongoing criminal investigation.
31. It was alleged that the Officer did not act diligently or expeditiously by not taking any and/or adequate steps or action in respect of Person A as he had failed to arrest Person A and seize the suitcase and/or search the suitcase.
32. Following an area search, the Officer located and arrested Person A on suspicion of two counts of burglary; specifically, the burglary that had prompted the Officer's attendance and the burglary for which PC Walker had identified Person A as a suspect.
33. PC 127 Mulcahy attended to assist the Officer in transporting Person A to Nottingham Custody Suite and travelled in a separate vehicle to them.
34. During the booking in process PC Mulcahy suggested that they search Person A's address in order to conduct a section 18 search, pursuant to the Police and Criminal Evidence Act ("*PACE*") (1984). It was alleged that, in response, the Officer stated that Person A had "*refused his address*" and it was PC Mulcahy's belief that the Officer also stated "*He's NFA*" (No Fixed Abode).
35. It was alleged that this statement was untrue and misleading as Person A had previously provided the Officer with his home address.
36. In the Regulation 31 response, the Officer denied the allegations. Although he accepted that the incident was poorly handled and that his decision making had been 'lacking', he denied that his conduct amounted to misconduct or gross misconduct. The Officer maintained that the allegations of dishonesty were unfounded.

I: Evidence

37. The Appropriate Authority relied upon its opening note, which was summarised orally at the outset of the proceedings. No live witnesses were called on behalf of the Appropriate Authority. Instead, it relied upon the evidence contained within the hearing bundle, including the Regulation 30 notice, the witness statements of PS Reynolds, PC Walker, PC Mulcahy and IO Sekeramai, the investigation report of IO Sekeramai, together with FCR and airwave transmission transcripts.
38. During the hearing, BWV footage of the encounter between the Officer and Person A in the play area, as well as custody CCTV, was viewed. Radio transmissions (7-10 and 12) were also heard.
39. As part of its case, the Appropriate Authority invited the Panel to consider all the evidence before it and this included both the documentary and recorded material.
40. As part of his case, the Officer described how he took pride in acting with honesty and integrity and that this was the approach he adopted both in his professional and personal life. By way of background, he explained that, during his policing career, he had tutored other officers. He accepted that his performance at the material time was “*lacking*”.
41. The Officer was referred to the first report of the incident [page 74 of the bundle]; which was recorded as follows:
42. *“Caller reporting there is a male hanging around on the street looking at the houses and at the back of the houses – male has been hanging around for a while and ran away where he saw caller but he has since climbed back over the gate and come back in”.*
43. The Officer confirmed that he had received this description but noted this concerned a report of a suspicious male and not a “*burglar*”.
44. The Officer confirmed he arrived at the scene at 09:05 hrs.
45. The Officer was referred to ‘Summary of PC 3937 Harthill-Harrison’s BWV of Initial Attendance’ [pages 24 – 26 Bundle], which provided a description of the footage captured on BWV.
46. The Officer stated that, at the time of his interactions with Person A, he believed that Person A did not fully match the description provided to him because he

did not have a JD bag and was not wearing jogging bottoms. The Officer stated that his decision-making was further influenced by Person A's demeanour. He further noted that Person A had been compliant with his request to take a photograph of him.

47. The Officer stated that it was not uncommon to see suitcases at the location. He said it was known to him that homeless people left their suitcases and would return to collect them.
48. The Officer confirmed that Person A had provided his name, date of birth and address. He accepted that he failed to make a note of the address in his Pocket Note Book ("PNB") and this had been a mistake on his part.
49. The Officer stated that he did not arrest Person A despite having received information because, at the material time, there was no confirmed burglary and no CCTV evidence was available. He further stated that, at the time, he did not believe there were sufficient grounds to stop and search or arrest Person A.
50. On reflection, and with the benefit of the knowledge he now possessed, the Officer stated that he should have searched Person A and arrested him. He believed he lacked the confidence to do so at the time. Whilst he acknowledged he "*should have done better*", he denied '*fobbing the job off*'. He reiterated that his lack of confidence and the alleged limited information available to him at the time had contributed to his decision-making.
51. The Officer recalled having point to point contact with PC Walker; during which he was informed that Person A was "*prolific*" in such offences. However, during questions put to him by his representative, the Officer agreed that his conversation with PC Walker had occurred at least a couple of minutes after Person A had departed.
52. The Officer stated that neither PC Walker, PS Reynolds, nor any other person provided him with details of the offence Person A was alleged to have committed.
53. The Officer accepted that he had not searched the suitcase and stated that, at the relevant time, he believed it to be empty and abandoned. He reiterated that, at this stage, there had been no report of a burglary. He further stated that, his statement to PS Reynolds that there was nothing in the suitcase, was based on his assumption that it was empty.

54. The Officer accepted that, with hindsight, he should have both searched the suitcase and retained it. He also accepted why the Panel and the Appropriate Authority may conclude that, his statement that there was nothing within the suitcase, may be considered misleading.
55. The Officer stated that, after leaving the police station, he returned to the scene and made further enquires. He explained that he wished to rectify the mistakes he had made. As a consequence of those enquires, he established that a suitcase had, in fact, been stolen and that a burglary had occurred.
56. The Officer stated that he was honest with the victim, accepted responsibility for the loss of the suitcase and apologised to her. He stated the victim indicated that she *"wasn't bothered"* because the suitcase did not contain much. The Officer reiterated that he believed this was the right thing to do, had acted transparently and that this had contributed positively towards maintaining public confidence in policing.
57. In his evidence, the Officer clarified that he was the only person to transport Person A to custody in his vehicle. He stated that it was force policy for suspects to be transported by two officers. In response to questioning by his representative, the Officer agreed that PC Mulcahy's statement had been misleading in that it stated that he attended the vicinity to assist with transporting Person A to Nottingham Custody Suite. The officer asserted that he did not assist in transporting as PC Mulcahy travelled in a separate vehicle to the officer and person A.
58. The Officer stated that, during his journey to custody, he asked Person A for his address, but he refused to provide it.
59. The Officer accepted that he had made a mistake in failing to record Person A's address when it had provided to him at the scene.
60. The Officer described feeling frustrated with himself because he had made mistakes; which he considered to be out of character.
61. The Officer emphasised that, when asked for Person's A address whilst in custody, he had responded *"I think he's NFA"* ("No Fixed Abode"). He indicated that, had he stated positively that Person A **was** NFA, this would have created a greater degree of certainty than he intended. He stated that he was rushing at the time and there was no record of the address in his PNB. He

explained that he was unsure whether Person A had said he was NFA or instead provided an address and that, ultimately, he had no address to provide his colleagues. The Officer again described himself as being frustrated and focussed on returning to the scene.

62. The Officer accepted that it was open to others to conclude he had been misleading, although he disagreed with this characterisation. He stated that he had not been attempting to mislead anyone but had, instead, been focussed on returning to the victim. He described himself as panicked and agreed that he was operating in *"service recovery mode"*.
63. It was suggested that the section 18 search point was moot, as it had already been addressed by both the second Sergeant and the work undertaken by PC Walker in the background.
64. The Officer reiterated that he had been open about the mistakes he had made and confirmed he had admitted them to CID.
65. Following the incident, the Officer stated that he had engaged in career conversations. He accepted the mistakes he had made and stated he had become more confident within his team. He explained that, at the material time, he had been overly keen, which he believed had contributed to the mistakes he had made. The Officer also described having a difficult working relationship with PS Reynolds and stated that they rarely agreed with one another.
66. The Panel noted that, during the course of the Officer's evidence, the Appropriate Authority raised an objection that the Officer was led. This is more appropriately addressed further in these findings.
67. During cross-examination the Officer accepted that he was aware that there had been a report of a man acting suspiciously. He accepted the description provided on page 113 of the Bundle had been communicated to him by the Force Control Room ("FCR") whilst he was travelling to the incident, namely:
68. *"white male, 6 foot skinny build wearing his hoodie up... some stubble, dark blue hoodie.... With a jacket over the top of the hoodie black joggers carrying a JD bag"* [page 113 Bundle].
69. The Officer accepted that, during his communications with FCR, he requested a description of the suspect on three occasions.

70. The Officer accepted that, upon his arrival, he engaged in a brief interaction with a female member of the public, which had been captured on his BWV. He accepted that she informed him that the male had just run away; following which he immediately went after the suspect. The Officer accepted that not much time had elapsed between him receiving this information and pursuing the suspect.
71. The Officer accepted that, at the scene, he encountered a male in the park standing near a suitcase. The Officer accepted that the male had his hood up and was wearing a jacket over the top. He also accepted that the male was standing in close proximity to the suitcase.
72. Despite having been provided with the description, the Officer stated that, at the time, he questioned whether the individual could, nevertheless, have been someone else. He confirmed that Person A was not carrying a JD bag and was not wearing joggers but accepted that he matched the remaining description. He accepted the decision not to arrest Person A had not been a good decision.
73. When it was put to the Officer that further information, including Person A's previous history, had been provided as part of the PNC check, he accepted again that he had made the wrong decision.
74. The Officer also agreed that a FCR incident log entry corresponded with WAV Transmission 3 [page 119 Bundle] within which PC Walker stated, "*Aaron he will definitely be nicking. He lives err round the corner. I ID'd him yesterday for a burglary*". The Officer accepted that, at the time of this communication from PC Walker, Person A was still present.
75. When it was put to the Officer that he had ignored the information being provided to him and, at that stage, had sufficient information to arrest Person A, he stated that he did not believe that the necessity for arrest was satisfied at the time. He nevertheless accepted that he had made the wrong decision and that he should have arrested Person A at this time. He further stated that, notwithstanding the mostly accurate description of the suspect and PC Walker's comment that Person A be "*nicking*", he had been considering whether there was sufficient suspicion to arrest Person A.
76. The Officer accepted that he did not search the suitcase. He further accepted that he left the suitcase at the scene; thereby losing potential evidence. He repeated that, at the material time, he did not believe that it had been stolen

and believed that it had been abandoned. He further accepted that he could have taken the suitcase and retained it in his vehicle.

77. The Officer accepted that his statement that the suitcase was empty was misleading. However, he then stated that he had not intended to mislead anyone and that he had been frustrated at himself because he had not made the right decision. He accepted this was a serious matter and mistakes had been made.
78. The Officer accepted that the majority of Person A's appearance matched the description provided, although not every aspect. He maintained that, at the material time, he had been influenced by Person A's demeanour. He accepted, however, that suspects do not always tell the truth.
79. The Officer accepted that, on arriving at custody, he had stated that Person A was NFA. He further accepted that the address had been captured on BWV and repeated that he had not written down the details provided to him at that time. He described again feeling frustrating with himself upon realising that he had made no note of the address and repeated that he had panicked. He explained that he had been focussed on returning to the victim in order to recover information. The Officer denied that he had deliberately sought to mislead anyone.
80. When it was put to the Officer that he had served as a police constable for seven years and a special constable for two years prior to that, he accepted that he had not done what he should have done. He reiterated that, at the material time, he had been attempting to recover the situation to the best of his ability.
81. In response to questions from the Panel, the Officer explained that he believed PS Reynolds had shown favouritism towards other members of the team and that he felt ostracised. He stated that, at the relevant time, he had been under stress and that his confidence has been significantly reduced. The Officer further explained that he had, nevertheless, sought to be part of the team and had put himself forward to undertake tutoring responsibilities.
82. The Officer repeated that he had informed not only the victim but also his colleagues that he had performed poorly. He explained that PC Walker had assisted him in ensuring that the section 18 search was conducted and that, ultimately, Person A was charged.

83. In closing, it was submitted on behalf of the Appropriate Authority that the Officer had failed to perform an important function of policing, namely, the apprehension of wrongdoers and had failed to exercise appropriate due diligence. It was further submitted that the Officer had acted dishonestly by deliberately misleading his colleagues in relation both to the suitcase and in his statement in the custody suite when he stated that Person A was NFA.
84. It was submitted that the Officer had breached the Standards of Professional Behaviour. The Panel was informed that there was, in fact, little difference between the parties' respective cases insofar as the Officer accepted that Person A substantially matched the description that had been provided to him, save that he was wearing jeans as opposed to joggers and did not have a JD bag. The Panel was reminded that the Officer had admitted that he had not searched the suitcase and that, as a consequence, potential evidence had been lost.
85. It was submitted that the Officer's assertion that he "*thought*" the suitcase was empty was a matter of semantics.
86. The Appropriate Authority invited the Panel to find that the allegations had been proven on the balance of probabilities.
87. In relation to the allegation of dishonesty, the Panel was invited to apply the test of dishonesty set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. Namely, that the Panel was required firstly, to determine the actual state of the Officer's knowledge or belief as to the facts, and secondly, whether the conduct was dishonest by the standards of ordinary decent people.
88. The Panel was also invited to have regard to the standards expected of the policing profession. It was submitted that, in the same way that solicitors are expected to demonstrate scrupulous honesty by virtue of their profession, police officers are likewise expected to uphold high standards.
89. It was submitted that the Officer knew he had not searched the suitcase and therefore to state that there was nothing inside it was deliberately misleading. It was further submitted that the Officer knew Person A had provided an address and that, accordingly, his subsequent statement that Person A was NFA this was also misleading.
90. The Appropriate Authority submitted that an ordinary and decent person would regard misleading others as being dishonest. It was contended that

rather than simply say that he had not made a note, the Officer instead was dishonest and that this represented a serious error of judgement.

91. The Panel was reminded that motivation was not an element for the legal test. It was submitted that, although the Officer asserted that he had "*panicked*", the Appropriate Authority's case was that the Officer had lied, nonetheless.
92. The Appropriate Authority reminded the Panel that, at the material time, the Officer had served as a police constable for 7 years and a special constable for 2 years. It was submitted that the Officer was, therefore, aware of his duties and responsibilities and the expectations placed upon him.
93. On behalf of the Officer, the Panel was reminded that the central question for determination was whether the Officer's conduct amounted to dishonesty or whether his actions were the result of mistake made under pressure. It was submitted on behalf of the Officer that the decision not to arrest Person A was a matter of performance issues rather than dishonesty.
94. The Panel was reminded that, as the material time, there had been a report of suspicious activity only. It was submitted that, at that time, no burglary had been confirmed, no victim had been identified, and no property had been reported stolen. The Panel was reminded that the Officer was required to make real time decisions whilst acting alone.
95. It was submitted that much of the information provided to the Officer had been inconsistent and vague in detail. It was contended that the information provided to the Officer was relayed through a number of individuals and limited support was provided to him.
96. In relation to the allegations of dishonesty, it was submitted that there must be an intention to deceive or mislead. The Panel was reminded that the Officer had consistently accepted that he had failed to check the suitcase and maintained this position from the day of the incident and throughout the ensuing period of 18 months.
97. Although it was accepted that there had been shortcomings in the Officer's conduct, it was submitted that there was no evidence that he intended to deceive anyone. It was contended that the Officer had "*panicked*", entered into what was described as "*service recovery mode*" and sought to rectify the mistakes he had made. The Panel was reminded that the incident had unfolded over

approximately 30 minutes and, accordingly, was not a sustained course of conduct. It was again submitted that the Officer had not acted dishonestly but had made mistakes which were subsequently corrected.

98. In relation to the Officer's statement that Person A was NFA, the Panel was reminded that the Officer's case was that he had said, "*I think*" rather than make a definitive assertion. It was submitted that, on the balance of probabilities, those words carried different connotations; namely, uncertainty as opposed to making a statement of fact. Accordingly, it was contended that the Officer had not deliberately sought to mislead.
99. The Panel was invited to have regard to the standard warning given by the Professional Standards Department ("PSD") to officers who do not know an answer to a question. It was submitted that officers are advised not to speculate or seek to fill gaps in their recollection, as doing so may create a misleading impression. It was submitted that this was what had occurred in the present case.
100. Despite the evidence agreed by the Officer in cross examination, it was submitted that the information PC Walker had communicated to the Officer occurred approximately two minutes after Person A had left the scene.
101. It was submitted that the Officer's decisions not to arrest Person A and not to search the suitcase were poor but not such as to amount to being deliberately misleading. The Panel was reminded that there had been no personal gain to the Officer. It was submitted that there was no breach of the Standards of Professional Behaviour relating to honesty and integrity.
102. In relation to the Officer's duties and responsibilities, it was submitted that the incident unfolded over a relatively short period of time. The Panel was reminded that the Officer had accepted the criticism of his decisions not to arrest immediately and search the suitcase. It was submitted that these failings were limited to errors of judgment.
103. In relation to public confidence, the Panel was reminded that the Officer had made admissions to the victim, the Officer in the Case and CID. It was submitted that a reasonable member of public would feel "*sorry*" for the Officer for he had made genuine mistakes and this would be recognised.

104. It was submitted that the Officer had been open and honest and had demonstrated genuine remorse towards both the victim and his colleagues.
105. The Panel was reminded of the three-fold-purpose of the misconduct regime. It was submitted that the present matter should properly have been addressed as a performance related issue as opposed to misconduct and that a “stronger supervisor” would have managed the matter accordingly.
106. It was submitted that none of the alleged breaches of Standards of Professional Behaviour had been established.

J: Findings of Fact

107. In reaching its findings of fact, the Panel had regard to all the evidence before it. This included the documents contained within the Bundle as well as the redacted Regulation 30 notice and Regulation 31 response, the electronic evidence, the oral evidence of the Officer and submissions advanced by both parties. The fact that a particular document or piece of evidence is not expressly referred to in this determination should not be interpreted as not having been carefully considered.
108. As part of its decision-making, the Panel reminded itself that the burden of proof rests on the Appropriate Authority and the applicable standard of proof is the civil standard, namely, proof on the balance of probabilities.
109. The Panel was aware that caution should be exercised before placing undue reliance upon a witness’s demeanour when assessing credibility and recognised that demeanour is not always a reliable indicator of credibility. In this regard, the Panel was mindful of *Suddock v Nursing and Midwifery Council* [2015] EWHC 3612 (Admin).
110. The Panel was aware that a holistic approach should be adopted rather than considering each allegation in isolation, which is consistent with the guidance set out in *R (on the application of Dutta) v GMC* [2020] EWHC 1974 (Admin).
111. The Panel was aware that character evidence adduced on behalf of the Officer could be weighed into its assessment of propensity and credibility. It was also made aware that evidence of good character can be a positive factor to be taken into account when assessing a witness’s credibility. The Panel was

reminded that a previous good character may also mean that a person is less likely than otherwise might be the case to engage in the conduct alleged.

112. The Panel was also reminded that good character does not constitute a defence to misconduct. The Panel was made aware that the weight attached to such evidence was a matter for the Panel.
113. The Panel also had regard to the dishonesty test, as set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. Namely, that the Panel was firstly, to determine the actual state of the Officer's knowledge or belief as to the facts, and secondly, whether the conduct was dishonest by the standards of ordinary decent people.
114. The Panel was made aware that it was entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepted as reliable. However, those inferences must be based on the evidence before it and that the Panel must not speculate. Similarly, the Panel was mindful that it must also not speculate as to evidence which was not adduced.
115. In determining whether the Appropriate Authority had discharged the burden of proof, the Panel carefully assessed the reliability and credibility of the evidence presented by the Appropriate Authority and balanced this with the Officer's evidence, as set out in his interview, Regulation 31 response and live evidence.
116. As part of its deliberations, the Panel considered the plausibility of the Officer's explanation that, at the relevant time, he did not consider there to be reasonable grounds to arrest Person A.
117. In assessing this explanation, the Panel considered that the description provided to the Officer on three separate occasions substantially matched Person A's appearance; the sole difference being that Person A was wearing dark jeans rather than black jogging bottoms and was not carrying a JD bag. The Panel further took into account the information provided by the member of public immediately upon the Officer's arrival at the scene, together with the information subsequently provided by PC Walker. The Panel also had regard to the Officer's nine years' policing experience, which included his role as a tutor.

118. Having considered all these matters cumulatively, the Panel concluded that the Officer's assertion that, at the material time, he did not believe there were reasonable grounds to arrest Person A, was implausible.
119. In this regard, the Panel did not find aspects of the Officer's evidence to be credible. In particular, it found elements of his evidence unreliable and incoherent. The Panel found it inherently unlikely that an officer with his level of experience would genuinely believe that there were insufficient grounds to suspect that Person A had committed any offence which warranted an arrest. In reaching this conclusion, the Panel had regard to the information provided to the Officer by FCR; as well as by PC Walker when, significantly, Person A remained present.
120. In assessing the Officer's explanations in relation to the suitcase and the subsequent representations he made to PS Reynolds, the Panel attached weight to the BWV, the FCR and airwave transmissions, together with the statement made by PS Reynolds. The Panel found that it was inherently unlikely that, at the material time, the Officer genuinely believed, or was operating under a reasonable assumption, that it was empty when he accepted that he had not searched it. Similarly, having taken into account all the evidence, the Panel was not satisfied that the Officer had provided a plausible explanation for why he informed his colleagues that Person A was NFA when, as was captured on the contemporaneous BWV, an address was provided to him.
121. The Panel also noted that, notwithstanding the Officer's evidence that he felt unsupported by his team, the evidence demonstrated that members of his team had, in fact, undertaken proactive steps to assist him in rectifying the consequences of his decisions. This included identifying an address for the section 18 search and, thereafter, conducting the search. The Panel considered that this evidence was inconsistent with the Officer's assertion that he was unsupported by his team and took this into account when assessing the reliability and credibility of his evidence.
122. In assessing the Officer's live evidence, the Panel noted that the Appropriate Authority raised an objection during questioning by the Officer's representative on the basis that aspects of the questioning were leading. Where appropriate, the Panel either did not rely upon or gave limited weight to the evidence obtained from the Officer in response to such lines of questioning when reaching its findings.

123. In particular, the Panel attached no weight to the Officer's oral evidence regarding the timing of his conversation with PC Walker, when he accepted that Person A had left two minutes earlier. The Panel noted both the nature of the question and that this was inconsistent with the Officer's subsequent evidence during cross-examination, when he accepted that Person A was, in fact present. The Panel, therefore, did not rely upon this evidence when reaching its findings.
124. Similarly, the Panel noted the nature of Mr Lee's questioning to which the officer provided oral evidence relating to PC Mulcahy. This was that PC Mulcahy had been "*misleading*" in stating that he had assisted in transporting Person A to custody. The Panel attached some weight to this aspect of the Officer's oral evidence on the basis that he hadn't merely agreed with the proposition put to him, instead the officer described in his own words how he believed PC Mulcahy had been misleading.
125. Facts 1.1 – 1.8
126. 1.1 *'At all material times, you were employed as a police constable with Nottinghamshire Police, having commenced employment on 28/07/17.'*
127. 1.2 *'On 6 November 2024, you were rostered for duty to commence at 0700 hours until 1700 hours.'*
128. 1.3. *'You were deployed to an incident reported by a member of the public at approximately 0903 hours, which related to an allegation that a male was acting suspiciously at Address 1 [Denison Court, Radford, Nottingham] [Incident 0123-061124]. You were provided with information that the male had jumped over a gate and/or a description of the male.'*
129. 1.4. *'On arrival at Address 1 at approximately 0911 hours you were provided with further information that a male had come from the vicinity of Address 1 with a suitcase that he did not have when he entered the area and that the male had run off to the play area.'*
130. 1.5. *'You were approached by a member of the public identified that a male had made his way towards the play area and that he had a suitcase with him.'*
131. 1.6. *'You attended the play area in which you encountered a male, Person A, standing next to a suitcase.'*

132. 1.7. *'You spoke with Person A, who denied that he had stolen a suitcase.'*
133. 1.8. *'You asked Person A what was in the suitcase and he replied that he was not sure as the suitcase was just chunked there and I just picked it up.'*
134. The Officer accepted facts 1.1 to 1.8. The Panel was satisfied, on the basis of that acceptance and the evidence before it, that those facts were proven.
135. **1.1 - 1.8: Accepted and proven.**
136. Fact 1.9
137. 1.9 *'You took Person A's details and requested a PNC check through the airwaves. You were informed by PC 572 Walker that he had identified Person A as a suspect for a burglary the previous day and that he was prolific in such offences.'*
138. The Panel noted that there was some confusion in the evidence concerning the timing at which PC Walker provided information about Person A to the Officer. The Panel considered that this confusion appeared to arise from the way in which the point had been put in questioning to the Officer by his representative. Ultimately, the officer accepted in cross examination that Person A was present when PC Walker provided this information.
139. Having considered the evidence in its entirety, insofar as fact 1.9 was concerned, the Panel was satisfied that PC Walker informed the Officer that Person A had been identified as a suspect for a burglary from the previous day and that he was prolific in such offence. Based upon the evidence contained in the Bundle, the Panel had no doubt this information had been communicated to the Officer whilst Person A remained present.
140. **1.9: Proven.**
141. Facts 1.10 - 1.12
142. 1.10. *'You thereafter requested Person A confirm where he was residing and Person A provided you with his home address.'*
143. 1.11. *'You took a photograph of Person A and allowed him to leave. Person A did not take the suitcase with him.'*

144. 1.12. *'You did not act diligently or expeditiously as you did not attempt to take any and/or adequate steps or action in respect of Person A as you failed to'*
- 1.12.1. *'Arrest and/or detain Person A'*
- 1.12.2. *'Request assistance to detain and/or arrest Person A'*
- 1.12.3. *'Seize the suitcase and/or search the suitcase. When you returned to the area at approximately 0917 hours the suitcase had been removed, which resulted in loss of evidence in respect of an ongoing criminal investigation'*
145. The Officer accepted that Person A had provided his home address. He also accepted that he photographed Person A and allowed him to leave and that Person A did not take the suitcase with him.
146. The Officer accepted that he had failed to act diligently or expeditiously. In particular, he failed to arrest or detain Person A, failed to request assistance to arrest or detain him and failed to seize and/or search the suitcase. The Officer accepted that these failures resulted in the loss of evidence in respect of the then ongoing criminal investigation.
147. **Facts 1.9 – 1.12 and associated derivatives of 1.12: accepted and proven.**
148. Fact 1.13
149. 1.13 *'At approximately 0917 hours, you received a point to point call on your radio from PS 3821 Reynolds. PS Reynolds asked you if there was anything in the suitcase that was present in the play area. You provided information which was false and/or deliberately misleading as you had not made any checks to ascertain whether there was anything in the suitcase but stated no nothing was in it.'*
150. The Officer accepted that he had not checked the content of the suitcase. He accepted that he had misled in respect of the content of the suitcase but also maintained that he had made an assumption that it was empty. The Panel did not accept that the Officer provided a credible explanation.
151. The Panel found that the Officer did not know if anything was inside the suitcase. In those circumstances, it found that it was untrue and misleading for him to state that it contained nothing. The Panel considered that an honest and accurate response would have been to say that he did not know its content as he had not actually checked.

152. The Panel reached its findings in accordance with the test set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. The Panel rejected the Officer's asserted belief that he believed the suitcase to be empty. By his own admission, the Officer had not checked its content and therefore knew he was not in a position to state that there was nothing in it. In applying objective standards of ordinary decent people, the Panel concluded that the statement was dishonest. The Officer was, therefore, found to have deliberately misled his sergeant by saying there was nothing in it.

153. **Fact 1.13: Proven.**

154. Fact 1.14

155. **Fact 1.14: Redacted.**

156. Facts 1.15 – 1.16

157. 1.15 *'When you returned to the area at approximately 0918 hours, the suitcase had been removed.'*

158. 1.16 *'You thereafter located Person A and arrested him on suspicion of burglary in respect of Incident 0123-061124 and the burglary which PC Walker had identified Person A as a suspect as at paragraph 1.9 above.'*

159. The Officer accepted facts 1.15 – 1.16. The Panel was satisfied, on the basis of that acceptance and the evidence before it, that facts 1.15 and 1.16 were proven.

160. **Facts 1.15-1.16: Accepted and Proven.**

161. Fact 1.17

162. 1.17 *'When you booked Person A into custody, at approximately you [sic] informed the custody sergeant and/or your colleague PC 127 Mulcahy that Person A was of no fixed abode and/or that Person A had refused to provide you with his address, which was dishonest and/or deliberately misleading as Person A had provided you with his address.'*

163. The Panel considered that the Officer had failed to provide an honest and accurate account of his understanding of Person A's living arrangements.

The Panel found that the Officer knew Person A had provided an address and that he failed to disclose this fact.

164. The Panel concluded that the Officer's statement that Person A was NFA was misleading and dishonest. The Panel reached its findings in accordance with the dishonesty set out *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. The Panel found that the Officer knew that Person A had provided him with a home address. This finding was supported by the BWV, which contemporaneously recorded Person A providing his address, and by the Officer's acceptance of this fact in his live evidence. Having determined the Officer's knowledge, the Panel applied the objective standards of ordinary decent people and concluded that the Officer's subsequent statement that Person A was NFA was dishonest.

165. **Fact 1.17: Proven.**

166. For these reasons, the Panel found the facts contained within the redacted Regulation 30 notice as proven in their entirety.

K: Particulars of Misconduct

167. 2.1 *'In respect of your conduct paragraphs 1.7 to 1.12 you failed to adequately and/ or at all carry out your duties diligently and/ or efficiently in respect of a live criminal investigation'.*

168. In reaching its conclusion, the Panel had regard to the fact that the Officer failed to arrest or detain Person A, failed to seek assistance to do so, failed to seize or search the suitcase and permitted Person A to leave, despite information available to him which, in the Panel's judgment, provided reasonable grounds for an arrest for an offence.

169. The Panel considered the conduct represented a serious catalogue of failures that went against the core principles of policing duties. The Panel attached weight to the Officer's policing experience of 9 years, as well as his tutoring responsibilities during this service. In those circumstances, the Panel found that the Officer's conduct fell short of what any reasonable person would have expected the Officer to have done in the circumstances.

170. **The Panel found Particular 2.1 proven.**

171. 2.2 *'In respect of your conduct at paragraphs 1.13 and/ or 1.17, you were dishonest and/ or deliberately misleading'.*
172. The Panel concluded that the Officer deliberately misled others in relation to both the content of the suitcase and Person A's address.
173. The Panel found that the Officer knew he had not searched the suitcase and, therefore, had no proper basis upon which to state that there was nothing inside. Similarly, in relation to Person A's address, the Panel found that the Officer knew that Person A had provided him with an address at the scene. Despite that knowledge, he subsequently stated that Person A was NFA.
174. Applying the test in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*, the Panel found that, having first determined the actual state of the Officer's knowledge and belief as to the relevant facts, an ordinary and decent person would regard the Officer's statements as dishonest. Accordingly, the Panel concluded that the Officer had deliberately misled others in relation to both the content of the suitcase and Person A's address.
175. **The Panel found Particular 2.2 proven.**
176. 2.3 **Redacted**
177. 2.4 *'Your conduct would undermine public confidence in the police service'.*
178. In reaching its conclusion, the Panel recognised that members of the public are entitled to expect police officers to act with honesty, integrity and a higher degree of transparency.
179. The Panel considered that the Officer's failures in the investigation, together with the misleading and dishonest information subsequently provided concerning both the suitcase and Person A's address, would inevitably diminish public confidence in the police service if such conduct was known to an informed member of the public.
180. The Panel was, therefore, satisfied that the Officer's conduct had the potential to seriously undermine public confidence in policing.
181. **The Panel found Particular 2.4 proven**

L: Standards of Professional Behaviour

182. The Panel next considered whether the facts found proven amounted to breaches of the Standards of Professional Behaviour contained in Schedule 2 of The 2020 Regulations; namely:

- 1) Honesty and Integrity
- 2) Duties and Responsibilities and
- 3) Discreditable Conduct

183. In determining whether these standards had been breached, the Panel considered the wording of each Standard, together with the facts it had found proven. The Panel reminded itself that whether a Standard had been breached was a matter for its own independent assessment.

184. **Honesty and Integrity**

185. *'Police officers are honest, act with integrity and do not compromise or abuse their position.'*

186. The Panel was satisfied that the Officer breached the Professional Standards of Honesty and Integrity.

187. The Panel found that the Officer deliberately misled his supervisor when he stated there was nothing inside the suitcase, when he knew he had not checked its contents. It found the Officer had no proper basis for making this assertion. The Panel further found that, despite having been provided with Person A's address, the Officer subsequently stated that Person A was NFA. The Panel rejected the assertion that these statements were merely the result of assumption, panic or confusion.

188. **Duties and Responsibilities**

189. *'Police officers are diligent in the exercise of their duties and responsibilities.'*

190. The Panel was satisfied that the Officer breached the Professional Standards of Duties and Responsibilities.

191. The Panel found that the Officer failed to carry out fundamental policing duties during the course of a live criminal investigation. Despite information which, in the Panel's judgement, provided reasonable grounds to suspect that Person A had committed an offence, the Officer failed to arrest him, failed to

seek assistance to do so and failed to seize or search the suitcase. This conduct led to the loss of evidence and, although Person A was subsequently arrested, led to a delay in his arrest, nonetheless.

192. The Panel considered the catalogue of errors constituted a significant failure, albeit this occurred over a relatively short period of time. The Panel had regard to the Officer's policing experience of 9 years and considered that his conduct fell below the standard expected of a competent police officer.

193. **Discreditable Conduct**

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

195. The Panel was satisfied that the Officer breached the Professional Standards relating to Discreditable Conduct.

196. In reaching its conclusion, the Panel considered that members of the public are entitled to expect police officers to act in a manner which is honest and competent; particularly when called upon to respond to reports of criminal offending. The Officer's conduct during the investigation, coupled with misleading and dishonest information subsequently provided, would have, in the Panel's view, undermined public confidence in the police service.

M: Decision on Misconduct/Gross Misconduct

197. 3.1 *'Your conduct was in respect of a live criminal investigation and had the potential to impact and/or did impact the progress of that investigation'.*

198. As part of its decision-making process, the Panel noted that the Officer submitted that his actions amounted to no more than performance issues which were capable of being addressed through supervisory action. The Panel did not accept this submission.

199. The Panel found the Officer wilfully failed to act when attending the scene of the crime and found this amounted to a series of serious failures during the course of a live criminal investigation. The Panel considered these failures to be more than trivial and were such as to fall significantly short of public expectations.

200. The Panel was satisfied that these failings represented a serious departure from the Standards of Profession Behaviour and were so serious as to amount to gross misconduct.
201. Particular 1: Finding of **Gross Misconduct**.
202. 3.2 *'Your conduct was fundamentally dishonest'*.
203. The Panel reflected on the Officer's resistance to acknowledge the dishonesty associated with his actions; specifically, the information passed to his colleagues relating to the contents of the suitcase and Person A's address.
204. On balance, considering all of the available evidence, the Panel found the Officer's evidence to have been inconsistent and incoherent. This included, but was not limited to, his assertion that, at the material time it was his belief he did not have reasonable grounds to suspect that any offence had been committed. The Panel took into consideration that the Officer continued in attempts to justify his actions and, rather than diminish, this reinforced the Panel's belief that Officer's conduct amounted to conduct which was fundamentally dishonest.
205. The Panel concluded that the dishonesty was so serious as to amount to gross misconduct.
206. Particular 2: Finding of **Gross Misconduct**.
207. 3.3 Redacted
208. 3.4 *'Your conduct would have the potential to undermine the trust and confidence placed in you as a colleague and/or the police service as a whole.'*
209. The Panel had no doubt in concluding that the failures in the investigation and the subsequent dishonesty displayed by the Officer amounted to conduct which seriously undermined public confidence in the police service.
210. The Panel concluded that this conduct was so serious as to amount to gross misconduct.
211. Particular 3: Finding of **Gross Misconduct**.

N: Decision on Outcome

212. The Panel heard submissions on behalf of both the Appropriate Authority and the Officer as to the appropriate outcome. It had regard to the Officer's record of police service, together with the character evidence submitted on his behalf.

213. In determining the appropriate outcome, the Panel applied the structured approach set out within the 'Guidance on Outcomes in Police Misconduct Proceedings', as issued by the College of Policing.

214. Seriousness of Misconduct

215. The Panel reminded itself that seriousness is assessed by considering culpability, the harm caused and the existence of any aggravating and mitigating factors.

216. Culpability

217. The Panel considered a number of factors relevant to culpability. The Panel found that the Officer bore full responsibility for his actions and that his conduct was deliberate. Having regard to all the evidence, the Panel rejected the suggestion that the Officer's conduct amounted to an error of judgement or a mistake under pressure.

218. The Panel found that the Officer's initial conduct demonstrated poor professional judgement and the subsequent misleading accounts provided by the Officer were deliberate. The Panel could not find that proper reasons were provided for the actions undertaken by the Officer at the material time.

219. The Panel noted that the Appropriate Authority had submitted that operational dishonesty had not occurred. Nonetheless, the Panel considered whether the conduct engaged the concept of operational dishonesty, as described within paragraph 4.28 College of Policing Guidance; which provides:

220. *'Impropriety involving corruption, deliberately misleading or compromising an investigation, or wilfully failing to give proper disclosure in a criminal prosecution is likely to be comparably serious to, and/or to involve, operational dishonesty...'*

221. Although the Panel did not find that the Officer's conduct involved corruption or personal gain, it was satisfied that he both deliberately misled colleagues and compromised an investigation which was comparably serious to operational dishonesty. The Panel did not find that the Officer's conduct was at the higher end of operational dishonesty; but was comparable to operational dishonesty, regardless.
222. The Panel also had regard to paragraph 4.30 College of Policing Guidance, which recognises that '*...any form of dishonesty on duty will always be serious because of the importance of maintaining public trust and confidence in the police service.*'
223. Relevant to the assessment of culpability, as previously set out, the Panel found that that Standards of Professional Behaviour had been breached. The Panel considered these breaches to be significant, and the Panel's rationale has already been set out in this document.
224. The Panel found there was no level of planning or premeditation.
225. The Panel attached weight to the fact that the Officer was experienced and, therefore, accustomed to reasonable policing requirements. The Panel considered that an officer of his experience would have recognised the significance of the information available to him.
226. In particular, the Panel had regard to the description provided, which the Officer accepted, in his oral evidence, largely matched Person A. The Panel accepted that Person A was very amenable, but this was only one element. The Officer should have taken into consideration the description provided. A further element was the information provided to him by PC Walker which was "*Aaron he will definitely be nicking*" and "*I ID'd him yesterday for a burglary*" The Officer accepted in cross examination that this information was provided to him whilst Person A remained present.
227. The Panel takes the view that any reasonable police officer would have weighed the available evidence in such a way that it was blatantly obvious that an arrest should have taken place at the material time.
228. The Panel distinguished between the Officer's initial failures to arrest Person A and search the suitcase and the subsequent dishonest and misleading nature of his responses to questions later presented to him by his sergeant and

in custody. The latter was considered to be deliberate and dishonest and, in the Panel's judgement, significantly increased the Officer's culpability.

229. The Panel recognise that, by virtue of his role as a police officer, the public trusted him to undertake his duties diligently. However, the Panel did not find that the Officer was holding a particular position of trust or responsibility at the material time, as is set out in paragraph 4.12 of the Policing Guidance.

230. Taking all these matters into consideration, the Panel found the culpability to be high.

231. **Harm**

232. In reaching its findings, the Panel took into account paragraph 4.66 of the College of Policing Guidance, which provides:

233. *'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.'*

234. In terms of harm to individuals, the Panel found that the direct harm to the victim of the burglary was likely to have been low. However, the Panel considered that the harm was exacerbated by virtue of the conduct of the Officer. This contributed towards the loss of the suitcase and its associated financial cost; as well as potential evidential implications arising from its loss.

235. In relation to harm to public confidence, the Panel found the conduct would inevitably damage public confidence in policing. The Panel acknowledged that there might be relatively inconsequential impact on community trust owing to the actions of the Officer and that this was not sufficiently serious so as to attach great weight to this.

236. The Panel found that the conduct, in particular, the dishonesty element, was such that it undermined the honesty and integrity in policing which the public are entitled to expect of police officers.

237. In relation to organisational harm, the Panel found that reputational damage was caused to the police force. The Panel also found that the conduct had an impact on operational effectiveness in that officers were deployed to undertake tasks directly attributable to the failures of the Officer. The Panel have attached some weight to the fact that the conduct was timebound and that this limited the effect to some extent.

238. Having considered these matters, the Panel concluded that the overall level of harm was high.

239. **Aggravating Factors**

240. The Panel was careful not to double count matters already reflected within its assessment of culpability. However, the Panel have nonetheless acknowledged that, following his initial misconduct, the Officer concealed his behaviour and was dishonest afterwards. The Panel found that the Officer sought to attribute some level of culpability on another officer (specifically PC Mulcahy) and diminished the support provided to him by his wider team. The aggravating feature lies not in the fact of the dishonesty itself, which has already been taken into account, but in the Officer's subsequent attempts to deflect responsibility.

241. The Panel noted that the Officer, by his own account, took some steps to rectify his errors. However, in light of the Officer's broader dishonesty, the Panel have given this limited weight.

242. **Mitigating factors**

243. The Panel reminded itself that mitigating factors do not excuse misconduct but may reduce the overall seriousness of the conduct. The Panel was mindful that relevant mitigating factors may include remorse, insight, early admissions and an exemplary record.

244. The Panel was satisfied that the Officer had demonstrated remorse through the hearing itself and attached appropriate weight to the same.

245. The Panel also acknowledged that the Officer demonstrated insight in respect of his initial poor decision-making. It also accepted that he had shown some insight into the effect of dishonesty in policing. However, the Panel found that his insight was limited because he did not accept, and the Panel did not

accept his explanation for, the dishonest and misleading responses he gave to direct questions at the material time.

246. The Panel accepted that the Officer had informed his sergeant about his shortcomings. However, based upon the evidence before it, the Panel found that this could only relate to his initial poor decision-making as opposed to the dishonest conduct subsequently found proven. Accordingly, the Panel attached limited weight to this early acceptance of wrongdoing as it did not incorporate the seriously misleading information, which the Officer accepted with hindsight.

247. The Panel took into account that the Officer had cooperated with the investigation, had no previous findings of misconduct and had an otherwise good disciplinary record.

248. The Panel also had regard to the Officer's account that, at the material time, he was experiencing stress arising from both personal circumstances and organisational issues. The Officer described stress at home and work-related stress following a move to a new team, together with difficulties fitting in with his new colleagues, which affected his ability to cope with the circumstances in question.

249. **Overall Seriousness Outcome**

250. In reaching its conclusion on overall seriousness, the Panel applied the approach set out in the College of Policing Guidance and considered culpability, harm, aggravating and mitigating factors. For the reasons provided, the Panel determined that the overall seriousness of the misconduct was high.

O: Personal Mitigation

251. The Panel took into account the testimonials provided on behalf of the Officer, as well as the broadly supportive career conversations and his otherwise unblemished policing career of 9 years. However, consistent with the College of Policing Guidance and the observations of Mr Justice Burnett in *Salter v The Chief Constable of Dorset* [2012] EWCA Civ 1047, the Panel recognised that, although this personal mitigation was relevant, its impact was limited. This is because of the need to maintain public confidence in the police; particularly because the Panel had found the Officer had engaged in conduct comparable to operational dishonesty.

P: The Threefold Purpose

252. Before determining the appropriate outcome, the Panel reminded itself that the purpose of misconduct proceedings was not to punish the Officer but to protect the wider public interest. In doing so, the Panel had regard to the College of Policing Guidance on Outcomes, including the authorities cited therein and to the threefold purpose of disciplinary proceedings; namely:

- Maintaining public confidence in and the reputation of the police service
- Upholding the high standards in policing and deterring misconduct and
- Protecting the public

253. The Panel also attached weight to the authorities cited within paragraphs 2.4 and 2.7 of the College of Policing Guidance, including *Bolton v Law Society* [1994] 1 WLR 512, *Redgrave v Commissioner of Police of the Metropolis* [2003] 1 WLR 1136, *R (Green) v Police Complaints Authority* [2004] UKHL 6, *R (Coke-Wallis) v Institute of Chartered Accountants* [2011] UKSC and *Raschid v General Medical Council* [2007] 1 WLR 1460.

254. In determining the appropriate outcome, the Panel applied these principles to the facts of the case. The Panel was mindful that the outcome must maintain public confidence in, and the reputation of, the police service, uphold the high standards expected of police officers and deter similar conduct whilst protecting the public. In determining the appropriate outcome, the Panel took into account the principles of proportionality and weighed the interests of the public with those of the Officer. The Panel bore in mind that its central concern was the reputation and standing of the profession rather than the punishment of the Officer.

Q: Selecting Available Outcomes; the least serious first

255. Two outcomes were available to the Panel and these were:

- 1) Written warning
- 2) Dismissal without notice

256. The Panel first considered the least serious available outcome, namely, a final written warning. In doing so, the Panel took into account that this was an isolated incident within a career spanning 9 years for which the Officer had shown remorse and demonstrated some willingness to learn. The Panel also

took into consideration the Officer's previous good disciplinary record. However, having balanced these features against the seriousness of the proven gross misconduct, the Panel was not satisfied that a final written warning was a sanction which most appropriately fulfilled the purposes of the police misconduct regime. The Panel was not satisfied that a final written warning would be sufficient to maintain public confidence in, and the reputation of, the police service or uphold high standards expected of police officers.

257. Accordingly, the Panel was not satisfied that a final written warning was the least severe outcome capable of achieving the legitimate purposes of the police misconduct regime.

258. Given the Panel's findings that the seriousness of the Officer's dishonesty whilst on duty was comparable to operational dishonesty, the Panel determined that the only sanction capable of satisfying the purposes of the police misconduct proceedings was dismissal without notice.

259. Right of Appeal.

260. In accordance with Regulation 43(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal ("PAT"). The PAT may increase or decrease any penalty or overturn this decision.

ACC Gary Hooks

Chair Police Misconduct Panel

Friday 3rd July 2026