

ACCELERATED MISCONDUCT HEARING
Police (Conduct) Regulations 2020

Officer: PC Harry Lewis 14204

Conduct Reference: CM/00016/26

OUTCOME DECISION

I have read the bundle of 106 pages provided to myself and listened carefully to all the evidence presented in the hearing. I am satisfied that this matter has met the criteria to be presented to me as an Accelerated Conduct Hearing. In making my determinations I have had due regard to the following documents and referred to these as necessary:

1. The Police Conduct Regulations (2020) (Statutory) which also set out the Standards of Professional Behaviour
2. Police (Complaints and Misconduct) Regulations (2020) (Statutory)
3. The Police (Conduct) (Amendment) Regulations (2024) (Statutory)
4. College of Policing guidance on outcomes in Police misconduct proceedings
5. College of Policing Code of Ethics (2024) (non-statutory) with its constituent parts:
 - a. Ethical Policing Principles
 - b. Guidance for ethical and professional behaviour in policing
6. College of Policing Code of Practice for Ethical Policing (2023) (Statutory)
7. College of Policing Guidance on Outcomes in Police Misconduct Proceedings (2023) (Statutory)
8. Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (2020)

The date of the matter under consideration post-date the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 being in force and therefore these amendments take effect for the purposes of this hearing: in effect the starting consideration of a finding of Gross Misconduct is dismissal unless exceptional circumstances apply.

INTRODUCTION

This hearing concerns admitted allegations arising from the arrest of a known violent male on 7 February 2026. The purpose of the arrest was to enact a warrant to recall him to prison. The allegations concern operational dishonesty and failure to undertake appropriate child safeguarding action. These are all appropriately outlined within the Regulation 51, as presented today by Det Supt Lay on behalf of the Appropriate Authority (AA) as follows:

1. *On 7th February 2026 you were on duty when you attended [redacted]. You arrested a male at the threshold of the backdoor to the property. Six young children were present at the address, and you engaged with them whilst inside the property.*
2. *You informed the arrested person that you would not be making any reports to social services following him making numerous requests for this.*
3. *You presented the circumstances of the arrest to the custody Sergeant PS POWAR on 7th February 2026 during which PS POWAR asked you, "WHERE WAS THE GENTLEMAN ARRESTED"? To which you responded, "[redacted address] WASN'T IT?" PS POWAR then queries "DID YOU JUST COME ACROSS HIM IN THE STREET, OR.?"*
4. *You responded to this by stating "YEAH, WE JUST CAME ACROSS HIM IN THE STREET, RECALL TO PRISON YEAH, WE KNEW HE WAS WANTED, SAW HIM, SO HE GOT NICKED".*
5. *You failed to safeguard the six young children that were present within the address on 7th February 2026 by not completing a social services referral, despite information showing the children were known to social services as children in need.*
6. *You knowingly provided incorrect information to the Custody Sergeant regarding the arrest location which was dishonest. As a result of your actions, you failed to safeguard the six children involved.*
7. *[...]*
8. *The above are breaches of the Standards of Professional Behaviour namely:*
 - Honesty & Integrity*
 - Duties & Responsibilities*
 - Orders & Instructions*
 - Discreditable Conduct.*

I have considered the investigation report, body worn video evidence, custody evidence, admissions made by the officer, written and oral submissions, character evidence, performance records and the College of Policing Guidance on Outcomes.

The officer has admitted to gross misconduct in respect of all of the alleged breaches of the Standards of Professional Behaviour namely:

1. Honesty and Integrity
2. Duties and Responsibilities
3. Orders and Instructions
4. Discreditable Conduct

Having therefore found the conduct proven and amounting to Gross Misconduct, the sole issue is that of outcome.

PURPOSE OF POLICE MISCONDUCT PROCEEDINGS

The AA has reminded the hearing that the purpose of police misconduct proceedings is not punishment. The objectives are to maintain public confidence, uphold proper standards, protect the public and declare the standards expected of police.

ASSESSMENT OF SERIOUSNESS

I have looked carefully at the submissions of the officer. I have also paid close regard to the judgements of *Salter v Chief Constable of Dorset Police* [2012] and *Bolton v Law Society* [1994] that have been referred to by the AA in their opening note. Both of these guide outcomes in police misconduct cases but also are specific cases regarding operational dishonesty.

Culpability

I assess culpability as high, although note that this is not at the highest level. PC Lewis was an experienced officer, safeguarding trained, and performing an acting supervisory role. He has accepted that the conduct was not caused by lack of training.

The evidence demonstrates that he knowingly provided an inaccurate account to the Custody Sergeant. The dishonesty can only be regarded as deliberate.

I find that the conduct was not motivated by corruption, financial gain, personal benefit, concealment of criminality, fabrication of evidence or an attempt to mislead a court. Indeed, I accept that the conduct of the officer was to keep a potentially volatile individual placated and compliant during an arrest in front of his partner and several children. I find it is harder to follow that same justification once the subject was in the full control of the police within the custody suite.

In an earlier part of the BWV presented as part of this case, the officer had also lied in response to the arrested subject's challenge about how police knew he was at the

address. The necessity in that case to *not* provide the truth is not questionable in its integrity as it serves the essential purpose of protecting sensitive sources of police intelligence and information (even an honest neutral comment such as ‘I can’t tell you’ might serve to fuel further suspicion in the mind of the subject) . The answer given by the Officer in this instance was to the effect of ‘we were doing door to door enquiries’. Few would regard the comment as outright dishonesty, although technically the answer he gave was, by definition, ‘operational dishonesty’ , albeit not a matter that anyone would seek to criticise him for.

My assessment has then gone on as to question whether in the same way the repeated acquiescence to the subject’s request to give erroneous information to a custody sergeant is in the same approach, and something that the public would argue as tantamount to operational necessity in order to avoid less desirable alternatives, namely the subject becoming angry and aggressive in front of the children and causing distress and potentially danger to all parties including the attending police officers. I believe the public would be sympathetic to a point in this regard as to the officer’s motive here. They would also develop obvious suspicion that the very reason the subject did not want it disclosed that he was in the house (because of social care finding out) should cause concern in itself about child protection issues.

However, at no point subsequently does the officer confront the truth with the subject. On the facts, there was a necessity to report that the subject had been arrested inside the house. A safeguarding referral was clearly necessary where a known violent person, wanted on recall to prison, was located inside the house with children. Constable Lewis knew at least some of the risk the subject presented based on his reputation, sufficient at least to have considered there to be a child protection risk, and further reinforced by the subject’s explicit motive in persuading him not to report that he was found inside the address.

Despite the assurances given to him, the arrested subject was very likely to eventually find out that, in fact, the police did disclose subsequently that he was located inside the house with the rest of the family, and therefore he was lied to. Given the antecedent history with the subject, Social Workers and the police are also very likely to have to engage with this individual on future occasions. Knowledge that the police have lied in order to gain his compliance is more than likely to reinforce distrust and lack of compliance upon future contact, heightening the risk to officers and other public service workers in the future who might need to have interaction with the subject.

Having found that the approach within the house may well be considered justifiable in the circumstances, there was a clear opportunity to be honest with the subject once away from the address and once under full control. I find there was no justification within the highly controlled environment of the custody area. The only reason I can see for continuing to act in this way is to develop a misguided perception of ongoing trust

between the officer and the subject for future interactions (i.e. he did what he promised). He did not take the opportunity to correct this issue subsequently, e.g at the custody desk, or once the prisoner was in a cell.

This is a case of operational dishonesty, i.e that this is in connection with a police operation (an arrest). I have looked carefully at the College of Policing guidance and at the case examples of *Bolton* and *Salter* as to the type of dishonesty exhibited in those cases. Those cases generally exemplify dishonesty in bad faith, i.e. where deliberate misguidance was given to subvert a subsequent judicial process or where the behaviour was, in itself, done in bad faith (some form of personal gain or to favour another).

The same cannot be said in this case where there is no apparent gain or benefit from the dishonesty other than to maintain compliance from the subject. However, the dishonesty in this case is equally hard to categorise as good faith as it is poorly thought through as to the potential consequences of the dishonesty (as outlined above) . 4.30 of the guidance states that “*Cases involving any form of dishonesty on duty will always be serious because of the importance of maintaining public trust and confidence in the police service*”.

Harm

I assess Harm as High. The potential harm was significant. The conduct related to child safeguarding and information provided to a Custody Sergeant. Public confidence considerations therefore arise, and it is this area that presents the higher levels of seriousness (4.66 of the Guidance)

However, I also note the absence of evidence of actual injury to any child, prejudice to criminal proceedings, or direct safeguarding harm attributable to the delay. This is important; however the effect of dishonesty may simply have been to defer these issues to a later date when any residual trust between the subject and public services may be eroded further and risk higher levels of confrontation from the subject upon future interactions. It can also be argued that the lack of actual harm evidenced from the lack of referral in this case is a matter of good fortune rather than judgement.

Aggravating Features

I note the following aggravating features are present though I am careful not to double count the effect of these where these are already covered in earlier paragraphs:

1. There were potentially vulnerable people within the premises (albeit having watched the BWV there was no evident / obvious AWARE factors playing out within the house at that time)
2. Continuing the dishonesty when away from the address and in particular within the custody suite to the custody sergeant.

Mitigating Features

The conduct occurred during a spontaneous arrest. It was not planned. There was no corrupt motive. The officer derived no personal benefit. The dishonesty did not result in fabricated evidence, false witness evidence, or misleading court proceedings.

The true facts were preserved on police body worn video.

The officer has been honest in his admissions from the start of this investigation, has shown insight to his actions since, and remediated through his subsequent experience within the Child-Centred Policing Team.

The Dishonesty Finding

I specifically find that PC Lewis acted dishonestly. He knowingly provided inaccurate information regarding the circumstances of arrest when presenting the detainee in custody.

Dishonesty in policing is always serious. However, not every dishonest act carries the same weight. The context, purpose, duration and consequences require careful consideration.

This dishonesty was confined to a single operational incident. It was not repeated during the PSD investigation. It was admitted. It was not associated with corruption. It was not associated with personal advancement. It was not designed to undermine judicial proceedings.

I take care to distinguish this case from cases involving fabrication of evidence, corruption, criminality, deliberate obstruction of justice or sustained deception which would take this case very clearly to the highest end of seriousness.

Having weighed all circumstances, I have also paid regard to the specific area of the Guidance (Section 5) which guides decision makers on outcomes for operational dishonesty. These again refer to the high standards set in *Salter* and *Bolton* and in particular the former, that states (in 5.3 of the guidance) :

‘[...] 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.’

I am unable to identify the features of the behaviour of PC Lewis in this case that would allow me to consider it one of the ‘small residual category’ of cases that would render it

exceptional and divert my thinking away from the inevitability of dismissal outlined in the Guidance (para 5.4).

I have looked at the Officer's service record and the numerous character references from people that show him to be held in very high regard, being both colleagues and supervisors. None of these are in dispute. The officer has a good record hitherto and this is fully acknowledged and recognised. His sickness record and performance is excellent and his resilience, subsequent to the service of the misconduct notice, has equally been impressive. Regrettably, such personal mitigation can only have limited weight in a serious case such as this (see section 6 of the guidance and in particular 6.4, noting the comments of Justice Holroyd in *Williams v Police Appeals Tribunal (2016)*).

OUTCOME

I conclude that, having considered the seriousness of the misconduct and the threefold purposes for imposing outcomes in police misconduct proceedings (in particular the need to maintain confidence in and the reputation of the police service), that the appropriate outcome is that PC Lewis should be dismissed without notice.



Andy Pritchard

Assistant Chief Officer

17th Sept 2026