

Determination of sanction

1. Having determined that the allegations are proven and that the proven breaches of the Standards of Professional Behaviour constitute gross misconduct, I invited representations from the Appropriate Authority on the appropriate sanction in this matter.
2. I also invited any representations from the Federation Representative on the Former Officer's behalf.
3. Submissions were made by the Appropriate Authority that the appropriate sanction in this case is dismissal without notice.
4. As stated above, the Officer has not provided a Regulation 54 Response but has provided a Regulation 18 response setting out his position, which I have considered with care.
5. The Former Officer has not provided any character references.
6. I have also considered the Former Officer's Record of Service, and I consider there is nothing of relevance which informs my determination.
7. Cleveland Police holds itself to the highest standards in respect of the rule of law, the Code of Ethics and the Standards of Professional Behaviour, but also the standards expected by every member of our community that the police will operate with a higher level of trust as it is their duty to protect people. When an officer compromises that, it is important that a full and thorough investigation occurs, and an appropriate sanction is imposed that helps to restore any lost trust and confidence.
8. Any action I take today has been to balance the Former Officer's rights proportionately with the requirement to maintain public confidence, and the public interest that may be served by retaining an officer.

9. Having found earlier at stage one of these proceedings that the proven misconduct constitutes gross misconduct, and given that the Former Officer is no longer a police officer, the outcomes available to me are:
 - a. Take no disciplinary action; or
 - b. To decide that dismissal would have been appropriate.
10. I considered these potential outcomes in order from the lowest sanction to the most severe sanction and assessed them as to how they may meet the need to fulfil the purposes of the misconduct proceedings, and the purpose of imposing sanctions.
11. For the avoidance of doubt, I have been advised and it is agreed on behalf of the Appropriate Authority that this is not a case which engages the presumption of dismissal as provided for by the new The Police (Conduct) (Amendment) Regulations 2025, as it is a ‘pre-commencement allegation’, as defined within the Regulations.

Seriousness

12. I have considered the seriousness of the misconduct that gave rise to the Officer’s appearance at the hearing today, in accordance with the College of Policing’s Guidance on Outcomes.
13. In determining seriousness, I have had regard to the four factors detailed in the College of Policing Guidance; culpability, harm, aggravating and mitigating factors, before having regard to any personal mitigation.

Culpability

14. I have considered the Former Officer’s culpability in this case and make the following observations:

15. In the Former Officer's case, the misconduct was intentional and deliberate insofar as his dishonesty to his supervision was concerned and his failure to work the hours which he was required. I also note that his misconduct of the hours worked was sustained and took place over a number of months from January through to April 2025. I have already referred to the significance of the operation Former Officer was working on.
16. I do not find that the Former Officer's failure to log the tablets in question (insofar as allegation 1 is concerned) in an evidence bag, test the tablets or log them on Niche as per force policy was intentional. However, it is relevant to the Former Officer's culpability that they were in his possession for a number of months. It was a significant deviation from force policy, and I note that his sergeant found them having had one opportunity to go into his bag, which underlines that the Former Officer had ample opportunity to find them and rectify the issue.
17. I have regard to para 4.29 of the Outcomes Guidance which provides that I should:

Consider cases where an officer has exercised their police powers in bad faith, for personal gain, or at the behest of a friend or relative in this category of very serious misconduct.
18. The Former Officer has gained from his dishonest misconduct in being paid for more hours than he worked, which goes to his culpability.
19. I also note from the authority of *R (on the application of Williams) v Police Appeals Tribunal* [2016] EWHC 2708 (Admin) (para 66) that gross misconduct involving a lack of integrity will often also be a serious threat. But other forms of gross misconduct may also pose a serious threat, and breach of any of the Standards may be capable of causing great harm to the public's confidence in and respect for the police.
20. 4.26 of the Guidance on Outcomes makes plain that any evidence that an officer is dishonest or lacks integrity should be treated seriously. I have further had regard to what was said by Lord Justice Maurice Kay in *Salter v Chief Constable of Dorset* [2012] EWCA Civ 1047, para 21, as follows, that police officers:

'[...] carry out vital public functions in which it is imperative that the public have confidence in them. It is also obvious that the operational dishonesty or impropriety of a single officer tarnishes the reputation of his Force and undermines public confidence in it.'

21. Para 4.30 of the Guidance on Outcomes makes plain 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
22. The Former Officer has behaved improperly and ought to have known that his actions were inappropriate.
23. I therefore assess the Former Officer's culpability as **high**.

Harm

24. I have considered the harm in this case and make the following observations:
 - a. The Guidance on Outcomes makes clear that 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, this should be taken into account. Further, para 4.66 makes clear that misconduct which undermines discipline and good order within the police service should always be taken seriously, even if it does not result in harm to individual victims.
 - b. The public would be rightly concerned that the officer entrusted with seizing the tablets in question did not handle them in the correct and proper way, and that he then went on to compound his misconduct by lying about such seizure.
 - c. I find that there has been harm in the form of a financial loss to the public purse in that the Former Officer was paid for hours which he did not work.

- d. I find that there was harm to the broader workforce for the Former Officer failing to do the work that he was required and the consequential impact on others for his misconducting himself and failing to carry out his obligations. There is potential future harm if officers were to consider this kind of behaviour acceptable.
- e. I find that there was also potential for significant harm in this case, in particular, serious reputational harm if a member of the public were aware of the circumstances of this case, which seriously undermines public trust and confidence in policing. Members of the public would be rightly concerned that an officer behaved in this way.

25. I therefore find that the harm in this case was **medium**.

Aggravating factors

26. I have carefully considered the aggravating factors listed within the Guidance and any other factors outside of those. In my judgment, it is an aggravating factor that the Officer's conduct involved:
- a) Concealing wrongdoing in question (in respect of the Former Officer's reasons for having the tablets);
 - b) Sustained behaviour in relation to the Former Officer not working his required hours and in line with his role and tour of duty, though I make plain I do not double count this factor, having considered it in relation to culpability.
 - c) Continuing the behaviour after the officer realised or should have realised that it was improper.
 - d) Significant deviation from instructions and force policy.
 - e) Multiple proven allegations and/or breaches of Standards of Professional Behaviour.

Mitigation

27. The purpose of mitigation is to reduce the seriousness of the conduct.

28. I have considered the relevant factors of the College of Policing Guidance, which is a non-exhaustive list.

Personal Mitigation

29. I have not been provided with any character references. I have not heard any oral submissions as regards personal mitigation on behalf of the Former Officer but as already stated, have considered his written Regulation 18 response.

30. I note that the Former Officer states he takes full responsibility for his actions in relation to the failure to log the tablets and that he regrets his actions and therefore has demonstrated some remorse.

31. I have given careful consideration to the matters which the Former Officer has raised insofar as his mental health and wellbeing is concerned, referred to as personal and professional pressures, though do not find that these excuse his behaviour. In any event, in relation to the professional pressure, I attribute little if any weight to that given what is known about the significantly reduced hours that the Former Officer was working compared to what he should have been.

32. However, given the concerns that the Former Officer has raised insofar as his supervision is concerned, I will establish with Human Resources whether any formal complaints have been made in relation to such supervision and will endeavour to establish whether there is anything requiring further exploration in relation to these concerns.

33. I have taken account the decision in *R (on the application of Williams) v Police Appeals Tribunal and another* [2016] EWHC 2708 as to the weight to be given to personal mitigation in police misconduct proceedings.

34. In my view, because of the importance of maintaining public confidence in, and respect for the police service, the potential of any personal mitigation would have been

necessarily limited. This is a case which significantly threatens the public's confidence in, and respect for, the police service.

Determination on sanction

35. I find that the appropriate outcome in this case would have been dismissal without notice had the Former Officer not remained in service because:
- a. These proven breaches exceed the threshold of purely unacceptable or improper behaviour and reach the threshold of being so serious that it justifies dismissal.
 - b. For the reasons set out above, this is a very serious matter, with limited features of mitigation highlighted.
 - c. No other outcome than dismissal would be adequate to uphold public confidence in policing and maintain the high standards that are expected of police officers and this would be the minimum sanction consistent with upholding the threefold purpose of the misconduct policing regime.
36. As a consequence of the above, I indicate that the Former Officer's details should be included within the Police Barred List (Regulation 3(2) of the Police Barred List and Police Advisory List Regulations 2017).
37. I am aware of the Former Officer's right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The Former Officer should provide notice of his intention to appeal to the Appropriate Authority within 10-working days of receipt of this written determination.

CHAIR OF AMH

15th May 2026

