

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT)
REGULATIONS 2020 AS AMENDED BY THE POLICE (CONDUCT)(AMENDMENTS)
REGULATIONS 2024

BETWEEN

THE CHIEF CONSTABLE OF GREATER MANCHESTER POLICE
The Appropriate Authority

And

PC SEU

The officer

Hearing date 9TH, 10TH and 11TH September 2026

Chairs report giving reasons and findings

Summary of the case

At the misconduct hearing, the panel found a breach of the Standards of Professional Behaviour of Authority, Respect and Courtesy, Use of Force and Discreditable Conduct to be proven.

References

In this report:

‘The 2020 Regulations’ means the Police (Conduct) Regulations 2020 as amended by the Police(conduct)(amendments) Regulations 2024.

‘The 2020 Home Office Guidance’ and ‘the Home Office Guidance’ refers to the Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (issued under section 87 and 87A of the Police Act 1996 published on 5 February 2020).

‘The College of Policing Outcomes Guidance’ and ‘the outcomes guidance’ refers to the College of Policing Guidance on Outcomes in Police Misconduct Proceedings (issued under section 87 the Police Act 1996) published on 17 August 2022 and updated (by having paragraphs numbers added) in March 2023

Parties, representatives, panel members and other attendees

The AA is the Chief Constable of Greater Manchester Police who is represented during the proceedings by Mr Charles Apthorp.

The Chair is Mr Jonathan Roy.

The LQP is Mrs Jane Wilson.

The IPMs are Mr Alexander Brown and Mr Christopher Taylor.

The officer is represented by Mr Michael Rawlinson.

The Chair delegated the report writing to the LQP.

No Media attended the hearing.

PC Seu attended the hearing.

Publicity

In accordance with Regulation 36(2) of the 2020 Regulations, the AA published notice of the misconduct hearing on the Greater Manchester Police website.

Background to The Incident

PC Seu attended at an incident in Wigan where a male (SC) was arrested. PC Seu approached SC in an aggressive and confrontational manner and did not treat SC with respect and courtesy. SC was placed in the rear of the police van by PC Sculthorpe. PC Seu was not the arresting officer. PC Seu deemed that it was necessary to place SC in limb restraints and removed SC from the rear of the police van, in so doing the force used led to SC hitting the floor outside the van and receiving a serious head injury to SC's head. After limb restraints were fitted, PC Seu said to SC, "You're not talking big anymore".

Standards of Professional Behaviour

The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020

Authority, Respect and Courtesy

"Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals"

Use of Force

"Police officers only use force to the extent that it is necessary and proportionate and reasonable in all the circumstances"

Discreditable Conduct

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

Regulation 30 notice

On the 23 March 2023 you attended at (an address in) Wigan where SC was arrested for assault. He was handcuffed in the rear stack and placed in the rear of a police van prior to him being taken to custody.

2. SC started banging his head on the rear door, therefore it was decided by the officer's present to remove him from the rear of the van and restrain him.

3. You opened the rear door and the cage door. You took hold of SC by the handcuffs and held his head/neck. In one rapid movement you pulled him out of the rear of the van causing him to fall headfirst and strike the road surface. SC sustained a serious head injury.

4. You failed to make any communication with SC prior to removing him from the van, but when he was on the ground and you were applying leg restraints you said to him, "Not talking big anymore".

5. The use of force on SC was recorded on your BWV and the BWV of PC Sculthorpe, both of which will be relied on at any hearing.

6. SC was escorted to hospital, where he is recorded on BWV making allegations including "fucking disgusting what you had done to me " and that you had "just assaulted him" and "rammed his head into the floor". SC repeated this allegation in interview on the 23 March 2024.

7. As a result of the matters set out above at paragraphs 1 – 6, it is alleged that you have whilst on duty breached the following standards of professional behaviour:

(a) Authority Respect and Courtesy, in that you failed to treat SC with respect and courtesy.

(b) Use of Force, in that you used unnecessary and disproportionate force, which was not reasonable on SC a detained prisoner.

(c) Discreditable Conduct, in that your conduct towards SC, a detained prisoner, brought discredit on the police service and undermined confidence in it.

8. As a result of that stated herein, if proven, your conduct singularly or in its totality amounts to gross misconduct.

Regulation 31 response

PC Seu relies in full upon his prepared written statement dated 25 March 2025 and misconduct interview account as given on the same date.

He denies any breach of the Standards of Professional Behaviour. He denies misconduct or gross misconduct.

Further Details of The Response

PC Seu will maintain that at all times he acted lawfully, proportionately and in good faith, and in accordance with both his training and the National Decision Model.

His sole aim in removing SC from the van was to safeguard the detainee, who had been abusing drugs, was volatile and abusive, and had been repeatedly head-butting the metal cage with enough force to rock the vehicle. His intention was simply to apply leg restraints to prevent further self-harm.

PC Seu had given the detainee repeated clear verbal warnings to stop and repeated warnings that leg restraints would be applied if the behaviour continued. These were ignored. It was clear to everybody that the next step was to remove the detainee from the van and apply leg restraints, as evidenced by the fact that immediately prior to the doors opening, the officer's colleagues can be seen putting on gloves in readiness.

PC Seu genuinely and reasonably believed the detainee posed a live and escalating risk to himself, officers, and potentially later custody staff. The BWV demonstrates that the officer's left hand was initially placed on top of the detainee's head to protect him as he emerged from the van – wholly inconsistent with any wish to cause him harm. The fact that the officer also switched on his BWV immediately prior to the incident is also wholly inconsistent with such a suggestion.

Similarly, the officer has been the subject of abuse on numerous previous occasions in his career, including racist abuse, and has not in any way reacted or lost his temper. He has no previous disciplinary findings against him. Thereafter, the detainee's movement out of the van was intended to be controlled. The officer fully expected SC to stand up after stepping down from the van, after which his intention would have been to take him to the floor and apply the leg restraints. However, as shown by the BWV, the fall resulted from SC failing to move his feet as he emerged from the van - despite Initially taking two steps whilst inside the van and also despite knowing he was being removed. His failure to move his feet was compounded by the speed/momentum of the emergence which caused him to fall out of the vehicle. It was not because of any deliberate action by PC Seu.

The officer was not immediately aware that the detainee was injured, and once he realised he was, he immediately took steps to deal with the injury and transport him to hospital. PC Seu accepts on reflection that his actions were a misjudgement in the moment, and that he would handle matters differently if faced with the same situation again - but will maintain they were not deliberate or accompanied by any intention to cause the detainee harm or use excessive force. The incident amounts to a split-second operational misjudgement in a fast-moving, high-risk environment, which the officer sincerely regrets. intervention duties.

Witnesses:

No witnesses gave live evidence:

The following witness statements were read by the panel

Statement of PC Sculthorpe

On Friday the 22nd of March 2024 – Saturday the 23rd of March 2024, I was on a 2100hrs – 0700hrs night shift. I was covering response on full uniform patrol in a liveried police van, in company with PC SEU 18414. At approximately 0400hrs I was made aware of an ongoing incident of a male that had been assaulted in an address in Wigan. Me and PC SEU 18414 made our way to the address where we met other colleagues. We was informed that the victim was supporting a prosecution and stated that the perp was still inside the address. The victim told my colleagues that the incident took place in (address provided) The victim stated that the perp was SC and was in (the) flat. Due to this, myself, PC SEU 18414, PC SHARROCK 18590 and PC HARRISON 03199 went into (address provided) and started to knock on the flat which was believed to be the perp's address. There was no answer or reply to numerous knocks at the door. As it was a section 47 assault and we believed that the perp was still in the address, PC SHARROCK 18590 used a wham-ram to force entry to the address under section 17 of P.A.C.E. As we went into the address there was two males, and both were placed in hand cuffs whilst we established which was the offender. PC SHARROCK 18590 arrested a male in the bedroom that turned out to be SC. SC was cuffed to the rear and I then started to search SC. He became irate so was taken out of the address to the back of our police van. Here I finished the search of SC and placed his property in a bag. SC was placed in the back of the police van and as we were waiting to transport him to custody, SC started to bang his head on the van door. He was doing this with extreme force, and I could feel the van rattle when he banged his head. SC did this repeatedly despite being advised to stop. As SC did not stop it was decided that he would be taken out of the van and restrained to prevent him harming himself in the van. We went to the back of the van and opened the rear doors and cage doors. At this point PC SEU 18414 has grabbed SC by his shoulder and one hand behind his head/neck. He was pulled out the back of van by PC SEU 18414 but as he has come out it looked like SC misplaced his footing and his weight dropped suddenly down. His weight unexpectedly left PC SEU's grip and SC fell straight to the floor. As this happened SC has hit his head on the floor with some force, and this has caused a cut and bleeding to SC head. Following this SC was taken by me and PC SEU 18414 to Wigan A&E for treatment to his head. When we arrived, he was extremely irate as he was not pleased about his head. Due to this he was abusive and

aggressive towards hospital staff. In the van outside the hospital SC became abusive towards PC SEU 18414 who is a black male officer. SC called PC SEU 18414 a "BLACK FUCK" I then warned SC about his language. SC was then taken into the hospital to have his injuries assessed. SC then refused to be assessed by a nurse stating that he did not want to speak to a black nurse. During another irate outburst the perp called PC SEU 18414 a "N**GER." The perp was then given his final warning by me and told that if he used any language like that again he would be arrested. Following this a black male doctor came to assess him. SC then again refused treatment from a black doctor. This then caused another outburst from the perp, and he called PC SEU 18414 a "BLACK BASTARD." After this at 0534hrs, the perp was arrested for racially aggravated public order. As SC was already under arrest, I informed him that he remained under caution. SC was treated for his injuries and transported to Wigan police station where his detention was authorised.

Statement of PC Sharrock

At 2100 hours, on Friday 22nd March 2024, I paraded on duty at Wigan Police Station and was tasked with mobile response while in company with PC 3199 Harrison. We were both in full police uniform and responded in a fully liveried police vehicle. At approximately 0415 hours, on Saturday 23rd March 2024, PC Harrison and I were tasked with responding to an incident on (address provided) The victim, who I now know as (name provided) called 999 stating the suspect, who I now know as, SC had assaulted him and was continuing to make threats of harm to him from the window of his residence. On arrival, (witness) was stood in the road outside of (address provided) waving in our direction. I cannot recall (complainants) exact words, but he stated he had attended SC address earlier in the evening as he was invited round to socialise. (complainant) made mention that SC had messaged his ex-partner, but he could not explain the relevance of this to his visit to SC's address. He did confirm he did not attend to confront SC over this. Once we were allowed entry through the communal door by another resident, PC Harrison banged loudly on SC's flat door to get his attention. We remained at the door, continuing to bang and shout "POLICE", shouting for SC to open the door. I do not recall the time, but roughly 5 minutes later I retrieved an enforcer, also referred to as a 'wamram' from a police vehicle and brought it to SC's door. I banged on the door and shouted words to the effect of "SC OPEN THE DOOR OR WE WILL FORCE ENTRY". I knocked again and said words like "SC STAY AWAY FROM THE DOOR WE ARE FORCING ENTRY". I then forced entry under section 17 of the Police and Criminal Evidence Act 1984 (PACE) to effect the arrest of SC. I believe SC to be in the address as (complainant) confirmed he had not left the address and (complainant) had remained at the front of the property waiting for police. I located SC hiding under a duvet in one of the bedrooms of the flat. I cannot recall my exact words, but I told him to stand up and place his hands behind his back, to which he did. I placed him in handcuffs, in the rear back-to-back position. At 0429 hours, I informed SC of his arrest for ABH and cautioned him. I then escorted him to a police van to secure him. I exhibit my body worn video of SCs arrest as RS/01.

SC provided a pre prepared statement in interview

SC gave a pre prepared statement to the police, which initially dealt with the reason why the police attended at his address before going on to state "I was arrested and assaulted by the police causing injuries. This will be on body worn. Due to the head injury, I cannot remember anything that happened until I woke up this morning".

Completed use of force form was provided to the panel

Extracts from the Use of Force form

Impact Factors

Acute Behavioural Disturbance: False

Reason for using Force

Protect Self: False

Protect Subject: True

Protect Public: False

Protect other officers: False

Body Worn Footage was also provided to the panel

Summary of Body worn footage

Footage of PC Sharrock - showing SC being arrested at his home address, following a forced entry to his property. SC was arguing with PC Seu about damage being caused to SCs door. SC was then placed in the back of the van.

Footage of PC Seu - PC Seu is shown opening the police van door. There is no conversation with either SC or other police officers. PC Seu puts his right hand on SC's left bicep and then PC Seu puts his left hand on SCs rear neck. SC's head is then moved down towards the floor, and SC exits the police vehicle headfirst, and SCs head hits the floor outside. PC Seu says, "You are not talking big anymore."

Following his removal from the vehicle, a wound can be seen on SC's head which is bleeding. Initially SC refuses to have bandages applied to his head saying that they have germs on them. A bandage is applied to SCs head and SC is taken to hospital

Footage of PC Sculthorpe - This shows PC Seu grabbing SC and taking SC to the floor, as per PC Seu's body worn footage.

Body worn footage was also provided which covered SC behaviour and receiving treatment at the hospital and interaction with medical staff at the hospital.

PC Seu

PC Seu gave evidence to the panel

PC Seu stated that he joined Greater Manchester Police Force in December 2019. He was initially based in Didsbury but transferred to Wigan where he was a response officer. This role meant that he was usually the first responder at incidents.

During his time as a response officer, PC Seu said that he had come across volatile people and detainees.

PC Seu said that he had regularly been subjected to racial abuse, stating that sometimes even witnesses had refused to allow him entry to their homes.

PC Seu said that he had never lost his temper with a detained person. He had never kicked, pushed or punched a detained person and had no previous disciplinary matters against him.

On the 23rd March 2023, PC Seu was working with PC Scunthorpe. A grade 1 call was received, which is the most serious call that the police receive. The caller said that he had

been hit 3 times and was bleeding. The offender was still in the location and was making threats. The caller said that the offender had been using crack cocaine.

2 other officers were assigned to the incident, and PC Seu was asked to assist.

PC Seu said that when he heard that drugs had been used by the offender and was concerned that violence could be used by the offender.

The location was in a block of flats, and the police officers had been told that the offender was inside a particular flat. The police officers knocked at the door but could not get a response, and so entry was forced using a battering ram.

A male was sitting in a chair in the property, and he was arrested by another officer.

The offender (SC) was found in the bedroom of the flat. PC Seu asked SC why he had not answered the door. SC asked PC Seu why the police had damaged his door and PC Seu responded saying that SC was going to have to pay for the repairs to the door. PC Seu confirmed that SC was compliant. PC Seu said that SC was not "winding" him up and PC Seu said that he did not lose his temper, stating there was no reason for him to lose his temper. SC was handcuffed to the rear and taken and placed in a police van.

PC Seu confirmed that he got into the driver's seat of the van and turned the key in the ignition, which meant that the lights came on in the rear of the van. PC Seu confirmed that he then turned his body worn footage off as he was waiting to take SC to custody.

PC Seu said that SC then became verbally abusive. PC Seu said that he did not know why SC became abusive as no one had interacted with SC. The abuse came out of nowhere.

PC Seu said that he looked back into the rear of the van and could see that SC started to kick the inside of the cage with his feet. Shortly thereafter there was a different noise and PC Seu could see that SC was hitting the inside of the van with his head. PC Seu said that he was aware of a previous incident where a person hit the inside of the van with their head and had hurt themselves. PC Seu said that he told SC several times that if he continued to hit the van with his head then he would be put in limb restraints and that PC Seu would not drive the vehicle if SC did not stop hitting the van with his head.

PC Seu said that he did not mind SC being verbally abusive, but SC was not to hit the inside of the van with his head. PC Seu said that he was concerned for SC's safety.

SC escalated his behaviour.

PC Seu said that he was concerned as he knew that if a person takes drugs, then they can develop the strength of several people. This is known as Acute Behavioural Disturbance (ABD). SC was using extreme force when banging on the van and the van was shaking.

PC Seu said that he gave SC a final warning to stop hitting the van with his head and hoped that SC would calm down. At this point SC was swinging his head and the top part of his body.

PC Seu explained that limb restraints restrict the movement of a person and are not pleasant to use. PC Seu said that he was concerned that if he attended at the custody office with a violent prisoner, then he would be putting the custody officer's at risk.

PC Seu said that he was scared that SC was going to damage his head and PC Seu had heard stories about prisoners dying in cells.

PC Seu and his colleague got out of the seat of the van and went to the rear of the van. The body worn footage shows PC Harrison putting on gloves and PC Seu said that this was because PC Harrison knew that they were going to have to get "hands on" with SC.

PC Seu said that he did not give any more commands to SC, and explained that SC had already been warned that if SC continued banging, limb restraints were going to be used, so PC Seu thought that SC should have been aware that he was going to have limb restraints fitted.

PC Seu said that when he opened the van door, he believed that SC was going to kick or spit at PC Seu, so PC Seu assessed that SC needed to be removed from the van quickly.

Normally 4 police officers would be needed to take a detained person to the floor.

It was not reasonable to get into the van with SC.

PC Seu leaned into the van and used his right hand to get hold of SC's left bicep. SC came towards PC Seu. The body worn footage was played and PC Seu stated that it was SC's own movement that made SC move toward PC Seu.

SC lifted his right foot off the ground and moved it to join his left foot, and PC Seu said that he believed that SC was coming toward the officer. PC Seu stated that SC knew that he was coming out of the van and so there was no reason for SC to believe he was not coming out of the van.

PC Seu said that he put his hand on the top of SC head. It was second nature for him to do that as he was protecting SC's head.

PC Seu stated that if SC had emerged out of the van standing up, that it would be hard to get SC to the floor and so PC Seu wanted SC's head down towards the floor as it was easier to take SC to the floor. PC Seu said that he expected SC to step out of the van in a controlled manner.

PC Seu said that he never intended to hurt SC and that it was SC's own momentum that brought SC out of the van in an uncontrolled manner. PC Seu said that he could not flip SC and looking back PC Seu accepted that he did not "do it perfectly".

PC Seu stated that he had not lost his temper and was not shouting or swearing at SC and had no ill intention towards SC.

SC ended up on the floor and PC Seu said that he started to apply leg restraints but did not realise that SC had been injured.

PC Seu accepted that he said to SC, "You're not talking big anymore". This was because SC had been previously vocal and was now quiet.

SC was taken to the hospital.

Cross examination.

PC Seu accepted that whilst in the flat, SC was entirely compliant and had turned around put up his hands to be cuffed to the rear.

PC Seu accepted that he asked SC why SC had not opened the door, and SC asked why the police had broken down the door. PC Seu accepted that he responded, "That was a stupid question". PC Seu was asked why he would speak to a member of the public in that manner and PC Seu said because PC Seu knew that SC was not asleep in bed. PC Seu denied that he had taken an antagonistic view of SC because he did not answer the door.

PC Seu denied that he was "winding" SC up and trying to antagonise him.

PC Seu accepted that SC was having a conversation with a police officer as he was being taken to the police van, but PC Seu said that he was not involved in the conversation and so could not recall the topic.

Once in the van PC Seu said that SC had started to bang the van forcibly with his head.

PC Seu accepted that he had concerns about ABD when giving his evidence.

PC Seu said that he had completed the "Use of Force" form based on what PC Seu knew for sure at the time it was completed. It was put to PC Seu that on the Use of Force form, PC Seu had made and no reference to ABD. It was put to PC Seu that he had now made-up concerns regarding ABD as an excuse for PC Seu's behaviour. Also, on the Use of Force form, PC Seu had said that there was no threat to PC Seu and that the account that he had given to the panel was inconsistent with the completed Use of Force form.

PC Seu accepted that banging coming from the van could not be heard on PC Seu's body worn footage.

PC Seu confirmed that he went to the back of the van as he was concerned that SC may have sustained an injury. It was put to SC that the first thing he should have done was to carry out an assessment on SC to see if he did have an injury.

PC Seu said that he did carry out an assessment to see if SC had injured himself. PC Seu said that he had looked to see if there was any blood on the floor or walls. This took a split second. PC Seu said that before the cage in the van was opened, he was able to see into the van and look for blood. SC did not say that he was injured, and PC Seu accepted that he did not ask SC if he had an injury.

PC Seu said that he knew how to do a head injury assessment. PC Seu looked at SC but did not look into his eyes. PC Seu said that he could not carry out a head injury assessment until SC was fully secured.

PC Seu said that he needed to put limb restraints on SC quickly because he did not want SC to have time to think about what he was going to do. If given time SC could kick or spit at officers.

It was put to PC Seu that PC Seu pulled SC out of the seat in the van and to the floor outside in one movement. PC Seu said that he put his hand on the back of SC neck, and that this was a tactic to get SC low so that he could be taken to the floor and because PC Seu thought that SC may try to headbutt the roof. PC Seu said that he was guiding SC's head and PC Seu had no intention of hurting SC.

It was put to PC Seu that SC did not know that PC Seu was trying to take SC out of the van. PC Seu said that he assumed that as he had told SC 6 times to stop banging and warned him that limb restraints would be put on if he did not stop banging that SC knew what was happening. It was further put to PC Seu that SC would not know that limb restraints could not be out on inside the van, and PC Seu responded by saying that he had implied it.

PC Seu confirmed that once SC was out of the van, PC Seu was not initially aware that SC had been injured in the fall. PC Seu put the limb restraints on SC.

PC Seu stated that he was aware of the "Limb Restraint Policy" and that limb restraints are only to be used when absolutely necessary in defence of themselves or others. PC Seu said that he had tried to defuse the situation when he was inside the van.

PC Seu was asked how putting leg restraints on, prevented SC from banging his head. PC Seu stated that once limb restraints are on, 2 officers would be in the van with the detained person, one officer would be holding the detained persons top half and the other officer would hold the legs.

Re-examination.

PC Seu said that there was little chance of being able to do a head injury assessment on SC before he was under control.

PC Seu said that he needed to get SC out of the van quickly before SC had time to plan to do something to the officers.

When the van door was opened, SC appeared to understand that he was going to be taken out of the van. SC certainly did not say "What are you doing".

Questions from the panel

The panel asked why PC Seu did not put his body worn camera on when SC was hitting the inside of the van. PC Seu said that he did not think that the situation was going to escalate.

PC Seu said that once limb restraints are put on a prisoner, 2 officers would go in the van with the prisoner. One would hold the prisoners top and the other hold the bottom half of the prisoner. It was pointed out that the body worn footage showed that after SC was placed in leg restraints, he was put back into the van, stood up and alone. PC Seu said that if SC had not been injured then he would have been restrained by 2 officers, but because he had a head injury, he could not be restrained.

The panel asked PC Seu what was preventing SC from banging his head on the journey to hospital. PC Seu said that he did not think that SC was going to try to self-harm again because he now had the injury to his head.

Statement of PC Seu dated 23rd March 2024

On Friday 22nd March 2024, I was working on a response shift 2100 – 0700 hours parading at Wigan police station in full uniform. I was in company with PC 08914 Sculthorpe; we were in a livered police van with me as the driver.

Log 468-23032024 came in as a grade 1 as informant had phone in reporting being assaulted inside an address and the offender was hanging out of the window saying he will assault further the victim. We decided to provide support to the initial patrol who were attending the log and on arrival, I was briefed by my colleagues that the victim had confirmed the offender still being inside the address and he had not left. After knocking numerous times and warning the offender who I now know to be SC; the warning was if he did not open the door, different method of entry would be used to gain entry to his flat. Under Section 17 of PACE, after no response, it was decided that force would be used to gain entry.

Once entry was gained, SC was located by my colleague in the bedroom and arrested on suspicion of section 47 assault. As SC was in the back of my van, he started to hit his head against the van cage. Inside the van cage, there are sharp edges and end of nails which could be harmful if they were to make contact with his head. I explained to SC to stop hitting his head or he would be put in limb restraints to prevent him from doing so.

SC refused and carried on to the point where I could feel the livered police van tremble. I have then decided to get him out of the van to apply the limb restraint. I have grabbed his left shoulder with my right hand and as he stood up, I have placed my left hand to the back of his head to prevent him from hitting his head against the top of the cage. However, in a sudden movement, I have felt his weight going down and before I realised his head was on my waist level and SC was heading down on the floor. Unfortunately, I could not prevent him from hitting the floor; SC was injured to the head and started to blame me for the injury. SC became irate and verbally abusive toward myself and colleague and started to bring racial remarks towards me.

On arrival at hospital, SC continued to make racial remarks toward me such as "BLACK CUNT. GO BACK TO YOUR COUNTRY." A black male nurse from Wigan hospital came outside the van to access SC and he refused because he was black and mentioned he will only be seen by a white nurse. Eventually, SC was taken inside the hospital and continued to be verbal abusive toward me. When he was receiving treatment from a female nurse, he insulted her by saying: "STUPID BITCH, YOU FAT MESS" SC was going to be further

access by a black male doctor, and he refused to speak to him and kept turning away from him. SC started to make racial remarks toward me and called me a "NIGGA", he was warned, and he refused to stop the racial remarks. SC proceeded to insult me and when he was being checked by a black male doctor, SC stated toward me: "THIS BLACK BASTARD". PC Sculthorpe arrested SC at 0534 hours on suspicion of racially aggravated public order Section 4a. I will exhibit my BWV of this offence as BS/01.

Victim personal statement I initially responded to the incident to help my colleague and arrest the male in question. When SC was in my van, my job was to look after him. His racial slur toward me were alarming and distressing and this continued throughout the time I was with him. At no point, did he decide to stop, and each word was spoken with hatred toward me, and this really made me think that it is in his nature to be hateful to that extent. It is a real shame that no matter where I go, there will be individuals with SC mindset having such thoughts and not hesitate to express it the way he did. The handcuff was on him otherwise, I believe, he would have attacked me.

Pre prepared statement for interview under caution with PC Seu on the 25th March 2025

I am PC Brian Seu. I have 6 years' service with Greater Manchester Police. I am currently based on response as part of E relief at Wigan Police Station. My current supervisor is PS Nick Walton. On Friday 22nd March 2024, I was working a 2100 – 0700 shift in company with PC 08914 Sculthorpe. We were double crewed in a liveried Police Van with me as the driver. We became aware of an incident and request for assistance to a report of a male being assaulted inside an address with the suspect still at the scene. We decided to offer assistance to our colleagues and made our way to the address. I recall being advised by colleagues that the victim had confirmed that the suspect was still inside the address. Officers had been knocking on the door of the address without reply, it was decided that entry to the property would be forced under Section 17 of PACE. I recall there was a male inside the property who was initially spoken to and arrested. However, it transpired that the suspect, SC, was in a bedroom located by my colleague who arrested him on suspicion of Actual Bodily Harm. I can confirm that I had never had any dealings with SC prior to this incident. My immediate assessment of SC was that he was verbally abusive but not physically resistant. He was cuffed to the rear by my colleague and began to protest about entry having been forced to his property. He was transported to my vehicle by colleagues and placed in the rear cage of the van. I sat in the driver's seat of the van. My colleagues were stood outside the van with the doors open. SC started to become more and more aggravated by his arrest to such an extent that he began to headbutt and kick the van cage. This caused me significant concern for a number of reasons. The obvious concern was for SC's own safety. The van cage has numerous sharp edges which would have been capable of causing him significant injury. In addition, his level of aggression and disregard for his own safety led me to believe that he was a clear risk to custody staff and it was not safe to transport him to custody whilst he was displaying this behaviour. In terms of threat and risk, I genuinely feared that he may seek to assault my colleagues or me by headbutting or kicking out at us and my aim was to ensure SC calmed down sufficiently so that he could be transported safely. I advised him on numerous occasions that if he continued to act in this way, he would be placed in limb restraints to prevent him from kicking out and minimise the threat he posed. SC refused, continued with his behaviour to the point where I could feel the police van shaking such was the force he was using. To allow SC to continue with his actions would have been a serious risk to his safety and others. I therefore took the decision to remove him from the van with the aim of placing him in leg restraints. I communicated this to my colleagues. SC had been given numerous warnings to this effect, so I believe he knew what our intentions were. I walked to the rear of the van and opened the doors to the cage. I assessed matters in accordance with the NDM. I was aware that SC had been arrested for a violent assault. He had displayed extremely aggressive behaviour in the rear of the van, and my honestly held belief was that he may seek to assault me, either by kicking, headbutting or spitting at me. I therefore did not believe it was safe to physically get inside the van with SC.

This would have left me in a tight enclosed space with limited options available to me should he seek to assault me. My intention was to get SC out of the van and on to the ground as quickly as possible to minimise the threat he posed and his ability to assault me. I did not issue any verbal commands to SC at this stage. He had already been given numerous warnings to calm down and stop his behaviour. He had also been advised that he was going to be placed in leg restraints, and he was aware he would be removed from the van in order for this to take place. Tactical communications had failed up to this point, and I believe it was justified, proportionate and reasonable to remove him from the van in order to apply those restraints. I reached into the cage with my right arm and took hold of SC by his upper left arm. I then placed my left arm on to the back of SC's head. This was to ensure that I had full control of him and minimised the risk of him seeking to headbutt me or my colleagues. In addition, it protected his head from the roof of the van as I was removing him. I pulled SC forward, still with my hand on the back of his head and attempted to safely remove him from the van. Given SC was aware of what was happening, I assumed he would move his feet and get out of the van as I assisted him. The next thing I was aware of was SC falling forward onto the ground. This was not my intention. Whilst I intended to remove him from the van quickly as already described, I wanted to take him to the ground in a controlled way and as safely as possible. I have watched the footage as part of the disclosure and it seems to me that despite knowing what I wanted him to do, SC did not move his feet quickly enough and the momentum of me pulling him forward has led to him falling to the ground. At the moment I realised SC's momentum was taking him to the ground, it was too late and I was unable to prevent it. I wish to make clear that I deny any suggestion that I have deliberately thrown SC to the floor or assaulted him. I applied the leg restraints to SC, but it then became clear that SC had sustained an injury to his head. This was never my intention and as soon as myself and the other officers became aware of the injury, he was given appropriate aftercare, and the decision was made to transport him to hospital. He clearly blamed me for his injury and began to verbally abuse me and make various threatening and racially abusive remarks on numerous occasions. This reinforced my perception of threat posed by SC. Given he was willing to commit further offences by aiming such abuse towards Police Officers, I considered he would not hesitate to assault us if given the opportunity. I therefore standby by my decision to remove him from the van quickly to mitigate against this risk. Once at hospital he racially abused a male nurse and doctor. Given the continued aggressive behaviour, SC was further arrested for racially aggravated public order offences. I deny that I assaulted SC. I acted in good faith at all times. My actions were justified, proportionate and reasonable in the circumstances. I acted in accordance with my training, the NDM and my powers under section 3 of the criminal law act and section 117 of PACE. Whilst I am sorry that SC sustained an injury, I believe his own actions have led to this. If he had ceased his behaviour as he had been asked to do on numerous occasions, it would not have been necessary to remove him from the van.

Specific questions and answers in interview

Question-Was he, I mean I know you've said you were part of the arrest team, what was his behaviour like at the address? What, what was his demeanour like there?

PC Seu responded – As described in my statement it was unbearable,

Question- quite agitated?

PC Seu- verbal, yeah verbally.

PC Seu confirmed that as far as he was aware, SC did not sustain any injuries from banging his head against the van.

Character bundle

The panel have received and reviewed a bundle of statements from people who knew PC Seu.

The Issues to be Considered

The Standards of Professional Behaviour for all police officers are set out in the regulations and are expanded upon in the College of Policing Code of Ethics, which all officers are expected to adhere to.

The panel was reminded of the following:

The panel must not speculate about other matters such as other evidence it believes might be available, what it believes someone else might have said, or what it believes some other document, not in the bundle, might have said. If there are, in the panel's judgement, 'holes' or 'gaps' in the evidence, then that is a matter that the panel must consider in deciding whether the AA has proved the allegations it makes.

Misconduct' is defined as a breach of the Standard of Professional Behaviour that is so serious as to justify disciplinary action, and 'Gross Misconduct' is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

For an adverse finding against the officer, it is not necessary for every single fact/allegation made against him in the Regulation 30 Notice to be proved. It is sufficient to prove only some of the facts/allegations, so long as what is proved amounts to a breach of the standard (or one of the standards) identified in the Regulation 30 Notice.

The panel noted that it is the AA who brings these allegations - it is the AA, therefore, who must prove them.

This standard of proof is concerned with whether the panel is satisfied something has been proved on "the balance of probabilities". These are not criminal proceedings, and the panel does not need to be 'sure' of the matters founding any of the charges.

The starting and ending point of the panel's analysis of these allegations is the wording of the Regulation 30 Notice. Those are the matters the AA seeks to prove. The panel is only determining the allegations set out in the Regulation 30 Notice and nothing more.

The panel was provided with a number of statements from people who know the officer professionally. In accordance with the case of *Donkin v The Law Society*, it is correct that these character references were provided to the panel at this stage as they were relevant to credibility and propensity.

The panel must consider the character evidence in addition to the evidence it had heard in the hearing room or read in the hearing bundles.

Good character arises from the lack of any previous findings against the officer

Good character is not a defence to the allegation, but it is relevant to the panel's consideration of the case. The fact that the Officer has not offended in the past may make it less likely that he acted as is now alleged against him

Any assertions of fact in those character statements pertaining to these particular allegations must be disregarded

The weight to be attached to the character evidence is a matter for the panel. But the panel must state what weight, if any, it has put on the character evidence in its written reasons.

Regarding use of force, the theme running through the legislation is that force must be reasonable, proportionate and necessary.

What constitutes 'reasonable force' will depend upon the circumstances of each case and was a matter for the panel to decide.

In this case the officer's account is that he believed that he had to remove SC from the police vehicle, so that the officer could place SC in limb restraints. The officer states that as he was doing this, SC lost his balance and fell to the floor.

That formed part of the factual matrix which the panel must evaluate when determining whether the AA has proved a breach of the Standards of Professional Behaviour. The panel must first consider the factual circumstances as the officer honestly perceived them at the relevant time. The reasonableness or otherwise of any mistaken belief remained relevant, but principally as part of the panel's assessment of whether that belief was genuinely held.

Once the panel determined the circumstances as the officer honestly believed them to be, the panel must then decide whether the force used was necessary, proportionate and reasonable in those circumstances. That assessment must be conducted fairly and without hindsight. The panel should avoid judging the officer's actions with the benefit of information, reflection or analysis available only after the event, particularly where decisions were required in fast moving or pressured operational circumstances.

If having considered all the evidence, including the officer's account the panel were not satisfied on the balance of probabilities that the force used was unreasonable, unnecessary or disproportionate in the circumstances as the officer honestly believed them to be, then the AA has not discharged the burden of proof and the allegation must be found not proven.

The panel took the following approach:

- a. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA.
- b. Second, to determine if facts were found proved, whether they constituted one or more breaches of the relevant Standards.
- c. Third, to consider if any conduct is found proven against PC Seu if that amounts to Misconduct or Gross Misconduct
- d. Fourth, if appropriate, to decide what the outcome should be.

The panel considered the bundle of evidence served and the Regulation 31 response together with the bundle of character references that were provided on behalf of PC Seu and the live evidence given to the panel, when making its decision.

Assessment of the witnesses

PC Seu

The panel concluded that PC Seu was not credible witness.

The panel found that PC Seu gave varying accounts around the incident which impacted the credibility of his evidence, and his account appeared to develop as he gave evidence. There was a lack of consistency and PC Seu appeared to be fine tuning his account as he gave evidence.

In oral evidence PC Seu said that he was concerned about SC displaying ABD. Yet the panel noted that on the Use of Force form, PC Seu had specifically stated that ABD was not a relevant factor.

On the Use of Force form, PC Seu said that protection of himself and other officers was not a relevant factor, but in evidence PC Seu stated that he was concerned that violence was going to be used against himself and other officers.

The completed Use of Force form was inconsistent with the evidence given by PC Seu.

In his interview under caution, PC Seu stated that SC's behaviour inside the flat was "unbearable". The panel watched the video and saw that SC was fully compliant with officers and only became agitated once PC Seu started to talk to SC in an aggressive and confrontational manner. The panel noted that SC immediately proffered his hands to the officer's so that handcuffs could be applied, he walked to the police vehicle talking calmly with PC Sculthorpe and got into the rear of the vehicle when asked. The panel did not accept that SC behaviour was unbearable and that this assertion was contrary to the account given by PC Seu and undermined PC Seu's credibility.

In evidence PC Seu stated that when SC was in the rear of the police van, SC's behaviour was escalating. The panel watched the body worn footage from the officers and noted that when PC Seu opened the door to the van, SC was sitting still and silent. This again undermined PC Seu's credibility.

The panel found that PC Seu gave a convoluted story as to why limb restraints were needed to transport SC, to ensure his safety. The panel noted from the body worn footage that after the limb restraints were fitted, SC was placed back in the cage, inside the police van. SC was left standing and was alone. This flew in the face of PC Seu's assertion that PC Seu's actions were all undertaken with a view to caring for and protecting SC physical wellbeing.

Because of the discrepancies in the account given by PC Seu, the panel did not find his evidence to be credible.

Relevance of SC previous convictions

The panel were provided with the previous convictions of SC. The panel gave very little weight to these convictions.

PC Seu in evidence stated that he had never had dealings with SC before the 23rd March and had not had sight of SC's previous convictions before dealing with SC.

The panel did note that SC was convicted of a racially aggravated harassment which occurred on the night of the interaction with PC Seu.

Character bundle

The panel had received and reviewed a bundle of statements from people who knew PC Seu. It is clear from this bundle that these witnesses have assessed PC Seu to be a person of good character.

The panel gave limited weight to these character statements. The panel had been provided with a copy of the body worn footage showing the interaction between SC and PC Seu. The panel noted that the character witnesses had not had sight of the body worn footage showing the incident.

Admitted or proven facts

The panel found the following facts to be admitted or proven

Admitted facts

- 1 On the 23rd March 2024, PC Seu attended at an address in Wigan.
2. The occupant did not open the door. Whilst standing outside the door, PC Seu said "If he's in, he's going to say he was asleep. They always say that".
3. Police officers had to force entry to the premises.
4. SC was initially compliant and held out his arms to be handcuffed.

5. SC was arrested for assault.
6. SC initially remained compliant and cooperative
7. PC Seu said to SC, "Are you going to say you've not heard us". SC asked police officers why they had damaged his door. PC Seu responded, "That's a stupid question" and then said to SC, "You'll have to pay for it." SC became agitated during the discussion over the door.
8. SC was taken outside of the property and taken to the rear of the police van. SC engaged in conversation with other police officers whilst walking to the van.
9. SC climbed into the back of a police van without assistance or complaint.
7. PC Seu initially got into the driver's seat of the police van.
8. Both PC Seu and PC Sculthorpe said that SC was banging on the inside walls of the police vehicle, and there is nothing to undermine these accounts.
9. PC Seu told SC to stop banging his head on the walls.
10. PC Seu determined that limb restraints should be fitted to SC's legs.
11. PC Seu got out of the driver's seat of the police vehicle and went to the rear of the police vehicle and opened the door of the vehicle and the inner cage door.
12. There was no conversation at the rear of the police van between SC and PC Seu. PC Seu did not tell SC that he intended to take SC out of the van. There was no conversation between PC Seu and any other officer at the rear of the van at that time.
13. Upon opening the door SC was sitting on the seat in the rear of the van. He was still, and remained so when the cage door was open
14. Using his right hand, PC Seu took hold of SC's left bicep.
15. PC Seu put his hand on SC head
16. SC had an uncontrolled decent from the van, and his head hit the floor causing a serious wound to his head and a visible pool of blood could be seen on the ground.
17. Leg restraints were fitted to SC's legs.
18. PC Seu did not initially realise that SC had sustained an injury to his head.
19. Whilst on the ground PC Seu said to SC, "you're not talking big anymore"
20. After receiving first aid, SC was returned to the rear of the police vehicle in leg restraints. He was assisted into the van and whilst stood in leg restraints the cage door was closed. SC was taken to the hospital. SC was not accompanied in the rear of the vehicle by a police officer.
21. SC was escorted to hospital, where he was recorded on BWV making allegations including "fucking disgusting what you had done to me " and that PC Seu had "just assaulted me" and "rammed my head into the floor". SC repeated this allegation in interview.

The panel noted that PC Seu had made the following assertions in evidence

1. PC Seu in interview under caution said that SC's behaviour in the flat was "unbearable.

PC Seu's account in interview under caution on this point is not born out by the body worn footage.

When entering the bedroom SC was in bed, under a duvet. There was no light on in the room. Officers told SC to hold out his hands, and SC immediately did so and was then handcuffed. Thereafter SC was arrested. SC was cooperative with the police officers until PC Seu spoke to SC. The panel find that PC Seu spoke to SC in an immediate confrontational manner at which point SC became agitated and demanded to know why his door had been forced. PC Seu told him, "That was a stupid question". PC Seu would have been able to recognise that SC was now agitated over the damage to his door, but PC Seu repeatedly told SC that he would have to pay for the door.

The panel found that SC was agitated and upset over the damage to his door, but the panel did not find that SC's behaviour in the flat was unbearable as the officer described in his interview under caution.

The panel noted that SC was walked to the rear of the police vehicle and engaged in reasonable conversation with other officers.

2. PC Seu said that immediately before PC Seu opened the police van doors, SC was acting aggressively

The panel had regard to the body worn footage. It was clear from the recording that at the point when PC Seu opened the rear doors to the police van that SC was sitting down. He had been handcuffed and his hands were to the rear of his body. He was still and silent.

PC Seu then opened the cage doors and SC remained sitting and he did not speak.

The panel found that it is evident from the body worn footage that upon opening the police van doors and then the cage doors that SC was sat down and not saying anything and showing no signs of aggression.

The panel did not find that SC was acting aggressively immediately before PC Seu opened the van doors.

The following facts were not admitted

1. That PC Seu used unnecessary and disproportionate force which was not reasonable to remove SC from the rear of the police van.

2. That PC Seu failed to treat SC with respect and courtesy

Findings on disputed facts

1. The panel found that PC Seu used unnecessary and disproportionate force which was not reasonable to remove SC from the rear of the police van.

The panel noted that the AA did not allege that the potential use of limb restraints was not justified.

The panel did not accept that at the time PC Seu was preparing for SC's removal from the police van that this was a fast-moving incident. SC was handcuffed to the rear and contained in a cage inside the police van. As was evident from the body worn footage, at the time when the van door is opened SC was sitting down, still and silent and not acting aggressively.

The panel noted that PC Seu did not have any discussion with fellow police officers as to how the officers were going to remove SC safely from the rear of the van or how they were going to fix limb restraints. It was clear from the body worn footage that officers were not ready to remove SC from the van. The panel noted that PC Harrison was still in the process of putting his gloves on when the van door was opened. PC Seu said that he did not have time to put gloves on.

There with no discussion with SC that he was to be removed from the van in order to put limb restraints on, and the panel did not accept PC Seu's assertion that SC would have known that SC had to be removed from the van in order to put him in limb restraints.

The panel did not accept that SC lost his balance inadvertently leading SC to fall from the van.

The panel did not accept that SC moved towards PC Seu and consequently it was SC's own momentum that led SC to fall from the van.

The panel found that SC's fall to the floor was due to the deliberate manner in which SC was improperly and forcefully handled by PC Seu.

The panel do not accept that this was an operational misjudgement made in a dynamic fast-moving situation.

The panel find that unnecessary, unreasonable and excessive force was used on SC to remove him from the police van. It was exacerbated by the manner in which SC's head was forced downwards, in a move that continued beyond the point SC passing the door.

The panel found on the balance of probabilities that the force used by PC Seu was unnecessary and disproportionate in all the circumstances.

2. That PC Seu failed to treat SC with respect and courtesy

The panel watched the body worn footage in this case.

The panel found that PC Seu did not treat SC with respect and courtesy.

The panel found that PC Seu's interaction with SC in the flat was immediately confrontational and argumentative.

No courtesy was shown to SC in the way SC was removed from the police van.

Following SC's removal from the police van, as SC lay on the floor, PC Seu stated, "You're not talking big anymore". The panel found that this comment was aggressive and PC Seu therefore did not treat SC with respect and courtesy.

After the limb restraints were fitted, SC was put back into the police van, He was left standing up, and had to sit himself down, with no supervision as the cage door was then closed. The panel's found that SC was then in a less safe situation than before he was removed from the vehicle.

On the balance of probabilities, the panel find that PC Seu failed to treat SC with respect and courtesy.

Decision on outcome

On the balance of probabilities, the panel found that PC Seu failed to treat SC with respect and courtesy. PC Seu was confrontational and argumentative with SC. No courtesy was show when removing SC from the police van and when SC was lay on the floor, PC Seu continued to be aggressive.

On the balance of probabilities, the panel found that PC Seu used unnecessary and disproportionate force that was not reasonable on SC, a detained prisoner. The panel found that SC's fall to the floor was due to the deliberate manner in which SC was improperly and forcefully handled by PC Seu, which resulted in SC receiving a serious head injury.

On the balance of probabilities, the panel found that PC Seu conduct towards SC, a detained prisoner brought discredit on the police service and undermined confidence in it.

The panel reminded themselves that in order to prove a breach of the Standard relating to Discreditable Conduct, it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient that the officer's behaviour had the potential to do so.

The standard of Professional behaviour states "Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty."

The panel find that members of the public expect police officer to act to a high moral code and expect police officers to care for members of the public and more so for people they have detained and to whom they owe a duty of care. The panel believe that if members of the public were to find out that a serving police officer had used unnecessary and disproportionate force and also acted without respect and courtesy, they would be shocked and therefore PC Seu's actions had the potential to discredit the police service and undermine public confidence in the police service.

On the balance of probabilities, the panel find that the breach of the Professional Standard of Authority, Respect and Courtesy, Use of Force and Discreditable Conduct to be proven.

Misconduct or Gross Misconduct

Gross misconduct - Is defined as so serious that the sanction of dismissal without notice could be justified.

Misconduct – A breach of the standards of professional behavior so serious as to justify disciplinary action.

The panel finds that all breaches individually and collectively amount to gross misconduct, namely a breach of the Standards of Professional Behavior that is so serious as to justify dismissal without notice. This is due to the nature and severity of the breaches of the Standards of Professional Behavior.

Approach to Sanction

The panel heard submissions on sanctions from Mr Apthorp and Mr Rawlinson.

The panel also received advice from Mrs Wilson.

The panel considered the Guidance on Outcomes in Police Misconduct Hearings, and the panel bore this in mind in its deliberations.

The panel had sight of and considered PC Seu's service record.

The panel adopted the three-stage process as outlined in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

The panel bore in mind the threefold purposes of the police misconduct regime namely:

- (a) Maintain public confidence in and the reputation of the police service
- (b) Uphold high standards in policing and deter misconduct
- (c) Protect the public

The panel was reminded that misconduct proceedings are not designed to punish police officers,

“The panel is then centrally concerned with the reputation or standing of the profession rather than the punishment of the doctor” (or police officer) per *Rachid v General Medical Council*.

The first stage is to assess the seriousness of the conduct.

This is assessed by reference to

The officer’s culpability

The harm caused by the misconduct

The existence of aggravating features

The existence of mitigating features

The panel noted that the College of Policing Guidance on Police Conduct Hearings reminded the panel that it must look at the appropriateness of the least onerous sanction before going on to consider more onerous sanctions and always choose the least severe outcome that deals adequately with the issues identified whilst protecting the public interest. If an outcome is necessary to satisfy the purpose of the proceedings impose it even where this would lead to difficulties for the individual officer.

The panel first considered the seriousness of the proven allegations.

Outcome

The panel directed itself that it must consider the officers’ conduct is not serious simply because the same action on his part involves him breaching multiple Standards of Professional Behavior. The panel accepted that it is the conduct proven that matters, not the number of Standards of Professional Behavior he has breached.

Culpability

The panel found the act of physically and forcibly removing SC from the police van in an uncontrolled manner was deliberate and intentional.

The panel considered that PC Seu did not necessarily intend to injure SC, but nevertheless PC Seu should have foreseen that there was a significant risk of serious harm being caused to SC by removing him from the van in the way he did.

The panel found that PC Seu’s actions were totally reckless and PC Seu completely disregarded any question of risk being caused to SC.

The panel noted that the nature of the office of constable means that all police officers are in a position of trust and authority in relation to members of the public.

PC Seu had a specific and particular responsibility to the detained person who was in his care at the time. PC Seu was the driver of the van and stated in evidence that he was expecting to take SC to the custody suite at the police station. As shown by his behaviour PC Seu chose to lead the decision-making regarding SC. It was PC Seu that decided to put SC in limb restraints, allegedly for SC’s safety. By his own admission, it was PC Seu that took control of SC. The panel therefore found that PC Seu was in an enhanced position of trust.

The panel found that at the time the force was used against SC, SC was vulnerable. SC was handcuffed to the rear and secured in a police van. PC Seu in evidence said that he was aware that the initial caller to the police said that SC had used illegal substances. PC Seu gave evidence that he was concerned that SC had used illegal substances. The use of illegal substances will increase a person’s vulnerability.

The panel therefore assessed the culpability as high.

Harm:

Physical injury was caused to SC.

There was potential for reputational harm being caused to the police service. It is accepted that the public were not aware of this situation, but had they been, the panel found that the public confidence in the police service would be affected and would affect the standing and reputation of the police profession as a whole.

There was an infringement of SCs human rights. He was a detained person and treated in a degrading manner.

The panel found that there is a depth of local and national concern about the treatment of detained persons by police officers.

The panel accepted that gross misconduct had been found and the behaviour resulted in an injury to SC head, which resulted in him having to go to hospital for treatment. The panel found that the injury to SC could have been much worse.

In this case, the harm is therefore high.

Aggravating factors:

When considering aggravating factors, the panel were mindful not to double count matters that had already formed part of their assessment of harm and culpability.

The panel found that PC Seu had continued to try to deflect blame onto SC. The panel note that in PC Seu's interview under caution PC Seu said

"Whilst I am sorry that SC sustained an injury, I believe his own actions have led to this. If he had ceased his behaviour as he had been asked to do on numerous occasions, it would not have been necessary to remove him from the van."

PC Seu continued to blame SC for the incident whilst giving oral evidence to the panel.

Following first aid being given, SC was returned to the police van and left in an unsafe standing position when the cage door was closed. The panel found that this undermined PC Seu's account that he was trying to safeguard SC from injury.

The panel found that there are aggravating features

Mitigating factors:

The panel noted that the incident was a single operational incident. However, the panel considered that it was a course of behaviour that evolved and started with the interaction between PC Seu and SC in the flat. The incident is not limited to the removal of SC from the police van.

The panel did not accept that there was any element of provocation or threat that would have affected PC Seu's judgement.

The panel noted the reported racial abuse that PC Seu is said to have been subjected to throughout his career, both from his own evidence and that of officers who have worked with him. Whilst the panel accept and endorse that any form of racial abuse is wholly unacceptable, the panel could see no evidence that PC Seu was subjected to any racial abuse from SC prior to SC's removal from the van and indeed note the evidence of PC Seu himself that he had not been abused in this way. The panel therefore could attach little weight to this in mitigation.

The panel accepted that preventing a detained person from injuring themselves was a legitimate policing purpose, The panel did not accept that the way that PC Seu attempted to discharge his duty in this regard was appropriate.

The panel found that there was very limited evidence of remorse or meaningful insight or acceptance by PC Seu of responsibility for his actions.

The panel noted that this incident occurred some years ago and noted that no further issues have been raised.

The panel found that there were some mitigating factors, but they did not affect the level of culpability.

Taking all these matters into consideration, the panel assessed the seriousness of the conduct as High.

Personal Mitigation:

The panel were mindful of the limits to the weight they should attach to personal mitigation as identified in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings, and that the interests of the police service, and the protection of the public, are more important than those of the individual officer.

The panel noted that the officer is in a settled relationship and has responsibility for 2 children and but gave this limited weight.

The panel noted that PC Seu had no previous findings of misconduct against him.

The panel considered the officer's record of service.

Sanction

The college of Policing guidance on Police Misconduct hearings reminded the panel that the panel must look at the appropriateness of the least onerous sanction before going on to consider the more onerous sanctions and always chose the least severe outcome

The options open to the panel are a final written warning or dismissal without notice.

The panel considered whether a final written warning would be consistent with the public interest.

The panel concluded that a final written warning would not serve to mark the seriousness of this misconduct or deter others from similar misconduct and fulfil the purpose of the police misconduct regime. The panel considered the matter fully, including the nature and severity of the breaches of the Standards of Professional Behaviour.

The panel found that this was a very serious matter. SC had been handcuffed and placed in the rear of a police van for onward transport to the custody suite at the police station. PC Seu removed SC from the rear of the van using force that was unnecessary and disproportionate. PC Seu failed to recognise or mitigate any potential risks in removing a detained, handcuffed prisoner from a police van. Injury was caused to SC's head and SC had to be taken to hospital for medical treatment. PC Seu did not treat SC with respect or courtesy inside the flat, when removing him from the police van or when SC was on the floor afterwards.

Then panel noted the words of Lord Carswell in R (Green) v Police Complaints Authority, in relation to the police service: 'Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded.'

The panel feel that the imposition of a final written warning in this case would lead to confidence in the police service being eroded.

The gravity of PC Seu's breaches of the Professional Standard of Behaviour means that the panel do not consider that any sanction less than dismissal without notice is justified.

As such, the panel's decision is that PC Seu should be dismissed without notice and placed on the College of Policing's barred list.