

IN THE MATTER OF A POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020

DEVON & CORNWALL POLICE.

Appropriate Authority

PC 18315 Ashley FRANCIS

NOTICE UNDER REGULATION 43

OUTCOME OF MISCONDUCT HEARING

Panel

ACO (Retired ACC) Ian Saunders – Devon & Cornwall Police (Chair)

Mr. Chris Harvey (Independent Panel Member)

Mr. Mike Marshall (Independent Panel Member)

Mr. James Cross (Legally Qualified Person)

Representatives

Counsel for the Appropriate Authority – Mr. Mark Ley-Morgan

Counsel for the former officer – Mr. Kelly Brocklehurst

References

- (i) AA – Appropriate Authority
- (ii) ‘The Officer’ – PC 18315 Francis
- (iii) LQP - Legally Qualified Person
- (iv) The Police (Conduct) Regulations 2020 will be “the Regulations”, or as ‘Regulation’ and then the Regulation number referred to.
- (v) The Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office will be the ‘HOG’ and the relevant paragraph number an example being [HOG 9.10].
- (vi) The College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 will be referenced as ‘the Guidance’ and on occasion together with the relevant paragraph number.
- (vii) The Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 will be the ‘Amendment Regulations’
- (viii) When referencing a page or pages from the hearing bundle, [‘HB’] the reference will be in [] an example being [HB 14] or [HB 56-61].

Introduction

1. This is the record of a Police Misconduct Panel held under the Police (Conduct) Regulations 2020 (as amended) into the conduct of PC 18315 Ashley Francis.
2. The hearing was conducted in person at Reed Hall, Exeter on 2nd-3rd June 2026.
3. Members of the public were permitted to attend, however none did so. The Officer was present throughout the hearing.

Summary of the Hearing & Outcome

4. The Officer faced an allegation of *key jamming*, in that on 9 occasions working from his home between 18th June and 28th July 2025, it was alleged that he had intentionally held down the space bar and the letter 'e' key on his laptop keyboard for lengthy periods of time totaling 612 minutes (10 hours and 12 minutes).
5. It was alleged that by key jamming, the Officer had deliberately sought to give the impression that he was working when he wasn't.
6. The Officer did not contest the AA's assertion that during the material times his space bar or letter 'e' key was depressed but offered, as an explanation, that during the material times he had rested his breakfast bowl upon his keyboard, such that it could have been the reason for the alleged jamming.
7. The Officer stated that he had been working from home recovering from medial meniscus and anterior cruciate knee ligament surgery. By agreement he had taken time away from his computer to undertake physiotherapy exercises and on leaving his computer he had rested his bowl upon the keyboard.

8. The Officer denied that he had jammed the space bar and 'e' key intentionally. He denied that he had intended to give the false impression that he had been working when he had not been.
9. The AA said that the gravamen of the allegation was that the Officer intentionally acted to give the appearance that he was using his laptop and thus working when he was not.
10. The AA asserted that the allegations put the Officer in breach of the Standards of Professional Behaviour of 'Honesty and Integrity' Duties and Responsibilities' and 'Discreditable Conduct'. The AA alleged that the Officer had been dishonest with that dishonesty undermining public confidence in police service. The AA said that the breaches of the Standards of Professional Behaviour were Gross Misconduct as they were so serious as to justify dismissal.
11. Prior to the hearing, the panel had received and read an agreed bundle of 111 pages which included a transcript of the Officer's interview, exhibits from both the AA and the Officer, reports from PS Freeman, Occupational Health and the Officer's physiotherapist. The panel also considered statements from,
 - i. D&C Police CCU Analyst Mr. David Bett
 - ii. D&C Police CCU Analyst Mr. Simon Waring
 - iii. Police Sargeant Cudlip
12. At the hearing the panel received an additional exhibit (a hand drawn map of the Officer's flat) which was provided by the Officer and formally admitted to the bundle [HB 112].
13. The panel heard evidence on the first day of hearing from Mr. Simon Waring of the Devon and Cornwall Police Counter Corruption Unit, who the Chair had directed in the interests of justice, could attend to give live evidence. Mr. Waring brought with him for the panel and for the parties, a Devon and Cornwall Police laptop of the same type which the Officer had in his possession when he had been working from his home at the alleged relevant times.

14. In addition, the panel heard from the Officer who helpfully had brought his breakfast bowl with him to assist the panel and parties when the Officer gave evidence. The Officer stated that the breakfast bowl he presented to the panel was of the same type as that he stated he had used on the occasions when his laptop space bar had been depressed.
15. Following live evidence, the panel heard submissions from respective counsel after which the panel deliberated both in the afternoon of the first day of hearing and on the second morning of the hearing.
16. A summary of the panel's findings as to the facts, the breaches and the panel's assessment of seriousness was given orally at the hearing to the Officer and as to outcome, to counsel for the Officer.
17. The panel found upon the facts that the allegations were proved and by reason of their findings that the Officer was in breach of the Standards of Professional Behaviour of 'Honesty and Integrity', Duties and Responsibilities and Discreditable Conduct'.
18. After consideration the panel decided that the breaches of the Standards of Professional Behaviour were so serious as to amount to **Gross Misconduct**.
19. As the Amendment Regulations applied to the matter, representations were sought from Counsel for the AA and the Officer. Neither submitted that there were any exceptional circumstances engaged for the purposes of determining the outcome.
20. In their determination of the outcome, the panel in any event carefully considered the threefold purpose of the police misconduct regime, the serious nature of the misconduct, the facts, the circumstances of the case and the Guidance.
21. The panel concluded that they could not find exceptional circumstances such as to justify, in this case, a final written warning and thus imposed the

sanction, set out in the Amendment Regulations, of **dismissal without notice**.

22. The Chair directed, pursuant to Regulation 43 (1B), that the LQP prepare the panel's report of their reason for their finding and the disciplinary action imposed. This then is the panel's report, prepared by the LQP for approval of the Chair.

Representation

23. Throughout the misconduct proceedings, the AA was represented by Counsel Mr. Mark Ley-Morgan. The Officer was represented by Counsel Mr. Kelly Brocklehurst.

Amendment to the alleged facts

24. The panel were referred to a Regulation 30 notice appearing in the hearing bundle, [HB 5-7].
25. On the first morning of the hearing, the AA applied to amend the alleged facts to expressly include reference to '*the letter 'e' key*' and to reduce the key jamming alleged from 617 minutes to '*612*' minutes.
26. The amendment, following the evidence in the bundle and there being no objection from Counsel for the Officer, was permitted by the Chair directing that the allegation at number 1 of the *Facts* be amended accordingly.

The Allegations/ Alleged Breaches

Facts

- (i) *On 9 occasions between 18th June and 28th July 2025 the Officer intentionally held down the space bar or letter 'e' key on his laptop keyboard for lengthy periods of time totalling 612 minutes.*

- (ii) *The Officer behaved as described in paragraph 1, in order to give the false impression that he was working when he wasn't.*

The AA contended that the aforesaid conduct breached the Standards of Professional Behaviour, (Schedule 2 of the Regulations) as follows,

Breach – Honesty and Integrity

The Officer's behaviour breached the Standard of Professional Behaviour concerning Honesty and Integrity because he:

- i. Intentionally gave the impression that he was working when he wasn't.*
- ii. The Officer knew that he was being paid for work that he was not doing.*

Breach - Duties and Responsibilities

The Officer's behaviour breached the Standard of Professional Behaviour concerning Duties and Responsibilities because he was not diligent in the exercise of his duties and responsibilities.

Breach – Discreditable Conduct

The Officer's behaviour discredits the police service and undermines public confidence in it because a reasonable member of the public would be justifiably concerned that a police officer had:

- i. Behaved in a deceitful and dishonest manner.*
- ii. Received pay for work that he had not done.*

The AA alleged that the Officer's conduct constituted gross misconduct

The Panel's Approach

27. The panel approached their task by:

- a. Firstly, deciding the facts, (**Factual Determination**);
- b. Secondly, determining on the facts found, if any professional standards had been breached, (**Breaches of Professional Standards**), and if so;
- c. Thirdly, deciding at what level, the panel assessed the seriousness of the breaches, (**Level of Breach**).
- d. Lastly and considering the Amendment Regulations decide the outcome for the Officer, (**Decision on Outcome**).

Purpose of Misconduct Proceedings

28. The panel was aware of the purpose of Purpose of Misconduct Proceedings set out at paragraph 2.3 of the Guidance and of the case law from which the aims derive.

29. Counsel for the AA reminded the panel in his opening of the threefold purpose detailed at paragraph 2.3 of the Guidance,

1. To maintain public confidence in, and the reputation of the police service
2. To uphold high standards in policing and to deter misconduct
3. To protect the public.

Burden and Standard of Proof

30. The panel was also reminded by Counsel for the AA in his opening that,

1. The burden of proof was on the AA and,
2. The standard of proof, which must be applied, was that required in civil cases, that is the balance of probabilities. The panel was referred to paragraph 9.10 of the HOG.

Factual Determinations

31. The panel approached the first stage of their considerations by assessing the facts presented by the AA, the evidence provided in the agreed bundle, the evidence provided by the witness at the hearing and the response provided to the allegations by the Officer both in the hearing bundle and in his evidence to the panel.

32. The facts as presented were that on 1st September 2025, Mr. David Bett, an analyst for the Devon and Cornwall Police Counter Corruption Unit (CCU) provided a witness statement. In his statement, Mr. Bett stated that CCU insider threat detection software had identified key jamming by the Officer.

33. Mr. Bett recorded this finding on a 'problem profile' produced as his exhibit DB/01 [HB 25-26]. In this problem profile, he described "key jamming" as where a person is suspected of using an object or tool, to falsely register an input on a Force system indicating they are online, active and productive.

34. Mr. Bett further described how the analysis of the Officer's laptop use showed multiple occasions where the space bar had been depressed and the letter 'e' was being depressed. He noted that the Officer was using his laptop whilst on his home Wi-Fi and that the key jamming occurred 'at least 8 times in 7 days since 18th June 2025, with a potential further two events'. Mr. Bett noted that these events occurred predominantly between 0730hrs and 0930hrs. He

concluded that given the similar start times, the repetition of same key input over multiple events, and an absence of repeated inputs when working on police premises, it is highly unlikely that an IT fault would have led to the recording of this keyboard activity.

35. On 10th February 2026, a witness statement was provided by Mr. Simon Waring who is employed as a CCU Analyst with Devon and Cornwall Police, [HB 22-23]. Mr. Waring has been an analyst since September 2025. In his statement, Mr. Waring described the data obtained from the Officer's laptop (work laptop number DC084438) which he produced as his exhibit SBW01 V1.1.

36. Mr. Waring subsequently provided three additional witness statements with exhibits dated 26th, 27th and 29th May 2026, [HB 95- 108].

37. In his statement dated 26th May 2026, [HB 95 -98], Mr. Waring stated that:

- (i) The "e" key was depressed on the Officer's laptop on the 20/06/25 at 07:37hrs. This key was pressed for 1 hour 7 minutes, and the "e" key was the only key depressed at that time.
- (ii) In his exhibit SBW01 V1.1 [HB 27], he had provided information that showed an overlapping of key stroke activity on the Officer's laptop on 18th June 2025. Mr. Waring stated that this information was inaccurate due to a system 'bug' in the system used by the service provider for the threat detection software.
- (iii) Following a further review of the data, Mr. Waring stated that at 08:25:44hrs on 18th June 2025, the Officer was using his laptop to access a Word document. The next activity was at 08:30:55hrs when the space bar was depressed and it remained jammed until 08:48:35hrs.
- (iv) The Officer was then using 'MS Teams' at 08:48:40hrs and a further event of key jamming then took place with the space bar being

depressed until 09:38:08.

- (v) The Officer had key jammed on 18th June 2026 for 17 minutes 40 seconds and not the 22 minutes 51 seconds as initially reported.
- (vi) The Officer's total jamming time on 18th June 2026 was 1 hour 6 minutes and not 1 hour 11 minutes as he had previously stated.
- (vii) Following a review of the additional alleged seven alleged instances of key jamming, there were no further timing discrepancies identified.
- (viii) The exhibit initially produced as SBW01 V1.1 [HB 27] was amended by Mr. Waring to reflect the clarification now provided for the alleged key jamming on 18th June 2025.
- (ix) The amended exhibit was produced as SBW/01 V1.2 [HB 98].
- (x) The corrected total time of the alleged instances of keyboard jamming on the Officer's laptop was recorded as 10hrs and 12 minutes, (612 minutes).

38. In his statement dated 27th May 2026 [HB 99-100], Mr. Waring produced his exhibit SWB02 [HB 101-105], which described the lock/unlock data for the Officer's laptop computer.

39. In his statement dated 29th May 2026, [HB 106-107], Mr. Waring produced exhibit SBW03 [HB 108], in response to a request from the Officer to provide evidence that recorded the alleged keystrokes which were relied upon by the AA.

40. The panel carefully considered exhibits SBW/01 V1.2, SBW/02 and SBW/03 and found that;

(a) The Officer's laptop was key jammed, which was not contested, on the following eight dates:

- i. 18th June 2025 (twice) for a total of 1 hour and 6 minutes.
- ii. 20th June 2025 for 1 hour 47 minutes.
- iii. 21st June 2025 for 1 hour 29 minutes.
- iv. 26th June 2025 for 11 minutes.
- v. 17th July 2025 for 1 hours 17 minutes.
- vi. 18th July 2025 for 56 minutes.
- vii. 19th July 2025 for 1 hours 23 minutes.
- viii. 28th July 2025 for 2 hours and 3 minutes

(b) The total key jamming time was 10 hours and 12 minutes, (612 minutes).

(c) On 7 of the 8 dates the 'space' bar had been depressed.

(d) On the other date (20th June 2025) the letter 'e' was depressed.

(e) All the key jamming events began at a time between (about) 0738 hrs and (about) 0831hrs.

41. In his Regulation 31 response, [HB 68-72] the Officer stated:

(i) That he did not dispute the evidence presented by the AA that his work laptop keys were depressed at the times/dates alleged.

(ii) He did however submit that the depression of a key or keys on his work laptop at the times alleged was accidental. He stated that the periods in which it is claimed that he was 'key jamming' were periods in which he was carrying out physiotherapy exercises, as he was authorised and entitled to do.

(iii) That he had incurred a knee injury when playing football in October 2024. Following surgery for the injuries he had sustained, the Officer worked from home as recommended by Occupational Health (OH) and approved by his

manager. OH, had advised that the Officer should work from home to undertake rehabilitation in the form of physiotherapy exercises, and that he was to take regular and frequent breaks.

- (iv) During the relevant period, the Officer was required to work a 5-hour shift and take regular breaks (including for physio exercises) during each day. Notwithstanding the need for these breaks, the Officer stated that he would always ensure that on each day that he was on duty he would complete the hours required of him.
- (v) At about 0700-07.30hrs each morning of a shift, the Officer stated that he would prepare for his working day. This would include logging onto the various police systems using his work laptop. He had stated that he would have a MS Teams meeting with his line managers to discuss work allocation for the day. He stated that he would perform these functions whilst sat on his sofa and that he would often be eating his breakfast whilst doing so.
- (vi) The Officer stated that between approximately 07.30-09.00hrs most mornings, he would conduct a set of physio exercises. He stated that upon leaving the sofa to do so, he would place his laptop on one side of the arm of the sofa, and then often put his breakfast bowl on his laptop.
- (vii) The Officer stated that he believed that his breakfast bowl would usually be placed on the mouse pad area by the keys. He stated that in doing so, these must have been occasions where the bowl depressed the keys that resulted in the alleged 'key jamming' activity relied upon by the AA.
- (viii) The Officer asserted that the AA had failed to demonstrate that he acted in a manner that was intended to make any gain for himself or cause any loss to another. He stated that during the period in question, he had not acted dishonestly or sought to deceive.

42. On 15th September 2025, the Officer was interviewed, under caution for misconduct, by PSI Kestin in relation to the allegations. During his interview,

the Officer stated that he believed that he would usually have placed his breakfast bowl “on the mouse pad area by the keys”.

43. In relation to his placing his bowl onto the mouse pad area of his laptop, the Officer had stated:

“...now it’s been brought to my attention I can see how stupid and you know kind of idiotic it is. Um, but at the time when I was doing it I didn’t think anything of it.”

44. The Officer provided oral evidence to the hearing on Tuesday 2nd June 2026 which was carefully considered by the panel together with the Officer’s answers to questions put to him by the AA and panel.

45. During his evidence the Officer provided a history of his police service and detail of the injury he sustained playing football in October 2024. The Officer provided the panel with a comprehensive account of his rehabilitation and recovery from this injury assisted by reference to a number of documents contained within the hearing bundle. These documents included letters from his physiotherapist, Mr. Dan Feasy, to the Officer’s line manager and solicitor and comprehensive details of his phased rehabilitation/recovery plan.

46. The Officer directed the panel to a report submitted by Ms. Alex Lowther, a Senior Force Nursing Advisor within the Occupational Health Unit dated 16th May 2025, [HB 51-53]. This report was sent to the Officer’s line manager and supervisor at that time and provided an assessment of his recovery from injury with a suggested working arrangement.

47. Ms. Lowther noted that the Officer was able to walk *“a couple of hundred metres but has not yet reached the point of being able to progress to fast walking/walking longer distances or running”* [HB 51].

48. The report stated that the Officer should, in summary, continue to work for 5-6 hours a day and that he should be allowed to take more frequent and slightly longer breaks to ensure that he could maintain his rehabilitation exercises.
49. In his evidence to the panel, the Officer stated that at the time of the alleged key jamming events, he was working from home as part of his recovery from injury. He stated that during this period he would have taken regular breaks from his laptop to complete his rehabilitation exercises.
50. Whilst the relevance of the physio is significant for the Officer in the context of the defence he put forward, the panel found that the weight of it depended on whether the panel accepted what he had said in connection with the placement of his breakfast bowl on the laptop keys, including the space bar. The panel noted that the Officer did not dispute the specific key jamming events that took place on the relevant dates but instead submitted that they were accidental.
51. For the reasons provided in this report, the panel were not persuaded by the Officers defence that the key jamming was accidental. As such, the panel found that the physio evidence provided by the Officer was not relevant to the defence that he offered.
52. In his evidence in chief, the Officer stated that during the period of the alleged key jamming events, his usual routine was to wake at 0700hrs, shower, change and prepare his breakfast before he joined a daily MS Teams call at 0730 chaired by his team supervisor.
53. During cross examination, the AA directed the Officer to paragraph 12 of his Regulation 31 response, [HB 70], in which he stated that he would instead prepare for his working day between 0700-0730hrs by logging onto various police systems and logging into a 0730hrs MS Teams meeting. The AA submitted that the account provided by the Officer in his Regulation 31 response was inconsistent with the evidence he had provided during his evidence in chief.

54. The AA directed the Officer to his interview [HB 57], in which he had stated to PSI Kestin that *“....all I can imagine is that I’ve just put my bowl or plate just resting on top of my laptop because it’s a flat surface, not even thinking it’s pushing down on the keyboard or on a space bar”*. The AA put it to the Officer that he had not mentioned the possibility of his placing a plate on his keyboard in either his Regulation 31 response or during his evidence in chief.
55. The Officer stated that he could not now recall why he would have provided PSI Kestin with reference to the possible use of a plate but that he may not have been sure at that time what item he used to depress the laptop keyboard. The Officer stated however that he was now sure that it was a bowl that he used which accidentally depressed the laptop spacebar on the relevant occasions.
56. The panel were not persuaded by the Officer’s account. They concluded that his account of the events would have been fresher in his memory during his misconduct interview. The panel determined that the Officer was seeking to provide a response to cross examination from the AA that was neither credible nor believable.
57. The Officer stated that he would sit on his sofa when dialled into the 0730hrs MS Teams call. He provided the panel with a photograph of his sofa, [HB 34], which appeared in the agreed bundle. The panel carefully noted the shape and design of the sofa in the photograph which became extremely relevant to their considerations in the hearing.
58. During his evidence the Officer described how he would prepare breakfast before the commencement of the 0730hrs meeting. He described, in great detail, the contents of his breakfast, which he stated he would consume whilst sat on his sofa.
59. He stated that he would often eat his breakfast during the 0730hrs meeting and that after he had finished it, he would place the bowl on the sofa’s armrest which was on his left hand side whilst sitting with his left leg elevated on the cushion shown in the photograph in the agreed bundle, [HB 34].

60. He stated that after he had finished his 0730hrs meeting, and any other immediate tasks he was required to complete on his laptop, he would place the device on the same armrest as his breakfast bowl. The Officer stated that when he placed the laptop onto the sofa armrest, it would have been open and positioned next to his bowl.
61. The Officer then stated that when he got off the sofa to complete his morning physio exercises, he would place his breakfast bowl onto the laptop keyboard as it was *'the flattest surface closest to me'*. He further stated that he would not place his laptop to his right side whilst on the sofa as he needed that space to *'lever himself up'* to complete his physio exercises.
62. The panel did not accept this evidence as credible or believable. The photograph [HB 34] clearly showed, to the panel, a large flat area to the right-hand side of where the Officer would have been sat on the sofa. Whilst the panel would not be drawn into speculation it was a matter of common sense that the Officer could easily have placed either his breakfast bowl or his laptop on this area and retained sufficient area for him to assist his standing action.
63. The panel further noted that the Officer had not stated before that he had needed the area to his right side to be kept clear to provide him with the space needed to *'lever himself'* to a standing position. The panel noted the absence of this explanation in the Officer's interview and Regulation 31 response, [HB 68-72]. The panel did not accept that the Officer was being truthful in his evidence to the panel.
64. During cross examination, Counsel for the AA asked the Officer why he had been unable to place his breakfast bowl in the kitchen of his flat, after he had concluded his MS Teams call to remove the requirement for him to place it onto his laptop keyboard. The Officer stated that his leg injury prevented him from doing so, especially during the morning when his leg was less mobile following sleeping.

65. The panel was not persuaded by this evidence as they noted the evidence provided by Ms. Lowther in which she stated on 16th May 2026, [HB 51], that the Officer was able to walk several hundred metres. The panel found that it was more likely than not that the Officer would have been able to stand from the sofa and take his bowl to the kitchen area which was in the same room as his sofa.
66. During his evidence to the panel the Officer stated that when he placed his breakfast bowl onto his laptop keyboard/mouse pad area, it may have accidentally touched the space bar. The Officer was unable to provide any explanation for the activation of the 'e' key alleged by the AA to have been the key jamming action on 20th June 2025.
67. The Officer provided the panel with the breakfast bowl that he would have used at the time of the alleged key jamming incidents. He stated that the bowl he provided to the panel was from a set and confirmed that it was of identical shape and design to the one used at the relevant time. The panel noted that the bowl appeared to be made of plastic and when made available for the panel to hold, was found to be light in weight. The Officer was invited by the AA to place the bowl on the keyboard of a laptop of identical design to the one he was using at the time of the alleged incidents,
68. The panel noted that when the bowl was placed on the keyboard area and rested upon the spacebar, it was not of sufficient weight to cause that key (or any others) to depress. In response, the Officer stated that at the relevant times, his bowl may have contained a spoon or unconsumed food which could have provided the weight required to cause activation of laptop keys or that the unevenness of the arm of the sofa could have been a causative factor.
69. The panel were not persuaded by this response from the Officer which they found to be unconvincing. The panel concluded from the evidence they had considered and the Officer's evidence, that even if the bowl had been rested on the keypad it was unlikely to have caused the key jamming and certainly not to the 'e' key. Whilst the panel did not speculate on what other weight or thing had

been used, the panel concluded that it was not the Officers bowl that had caused the key jamming to take place. The panel rejected the Officer's explanation of his bowl being an accidental cause of the alleged key jamming.

70. For the reasons described in this report the panel found the Officer to be an unconvincing witness. The panel determined that the accounts he provided in response to several questions from the AA were frequently lacking in credibility and consistency.

71. The panel concluded that it was highly unlikely that the Officer would have placed his bowl on his laptop keyboard. In any event even if that had happened, which the panel found it had not, it would not have jammed the keys as the Officer put forward.

72. Whilst the panel placed no weight upon the injury sustained by the Officer nor his phased rehabilitation plan in their fact finding, they did find that when he would have returned to his laptop after a period of exercise, he would have noticed that his device would have been locked. The panel drew this conclusion on foot of the evidence provided that if not locked intentionally, the laptop would lock automatically after 10 minutes. The panel found that on the occasions when the alleged key jamming took place which the Officer stated had been accidental, it was more likely than not that he would have noticed that his device remained unlocked when he returned to it.

73. The panel concluded that an accidental pressing of a key may be understandable on a first occasion however they determined that it was not credible that the Officer would repeat the same 'accident' on the multiple occasions of key jamming. On this basis, the panel rejected the Officers claim that the laptop space bar was accidentally pressed on the occasions which were the subject of these proceedings.

74. Counsel for the Officer submitted to the panel that the Officer had no reason to key jam as he would have been able to rely upon his authorised absence from work for physio rehabilitation to justify an absence from duty. The panel rejected

this submission on the basis that the Officer did not dispute that key jamming had taken place on the alleged dates but that they were accidental. The panel had further found that the Officer's explanation for the accidental key jamming of the space bar through pressure from a breakfast bowl was not credible and that it was more likely than not that the Officer had used some other mechanism to depress the space bar on seven occasions and the 'e' key on one occasion. For these reasons, the panel were not persuaded by Counsel's submission that the Officer had no reason to key jam and could have instead relied upon his agreed flexible working pattern to justify an absence from duty.

75. Counsel for the Officer, further submitted to the panel that the failure of the Officer to provide an account why the 'e' key was depressed on 20th June 2025 should not be held against him.
76. Counsel stated that the burden remained upon the AA to prove that the Officer pressed that key with the intention to deceive. Counsel further stated that by not providing the panel with an explanation for the activation of the 'e' key went to demonstrate the Officer's honesty as he had not sought to provide a false account.
77. Whilst the panel fully accepted Counsel's submission that the burden of proving the allegation was upon the AA, the panel rejected the submission that the Officer was displaying honesty by not providing an account for the activation of the 'e' key. Counsel for the Officer submitted that the Officer was being 'straight forward' in not being able to offer an account or reason and not thus speculating was somehow indicative of his honesty. The panel rejected the submission.
78. The panel were provided with agreed evidence that the 'e' key had been depressed for 1 hour and 47 minutes on 20th June 2025. Having rejected the Officers account that his breakfast bowl had activated the space bar and concluded that it was activated by another mechanism, the panel also found that the Officer had intentionally jammed the 'e' key.

79. The panel found that the prolonged activation of the 'e' key made it highly unlikely to have been accidental and therefore highly likely to have been intentional. The panel did not speculate on what had been used to jam the key and space bar, but the panel concluded from all the evidence presented to the panel that it was not the Officer's breakfast bowl.
80. The panel were provided with a comprehensive bundle of character references for the Officer which described him in very positive terms. Counsel for the Officer submitted to the panel that the allegation made by the AA that the Officer was dishonest did not accord with the positive character evidence provided. Counsel stated that the officer was flexible, hardworking and 'not work shy'. Counsel further submitted that the Officers character references were in direct contrast to the allegation made by the AA that the Officer was dishonest and had key jammed to make himself appear as active on his laptop when he in fact wasn't.
81. The panel were provided with legal advice from the LQP in dealing with character evidence. They were advised that good character evidence can be considered by the panel in their assessment of the likelihood of the Officer behaving in the manner alleged by the AA or in support of a defence he may offer.
82. Whilst the panel carefully considered the character evidence provided to them, they did not find it to be of sufficient weight to displace their determination of the facts in these proceedings. They drew this conclusion in response to their assessment of the inconsistency of many of the Officer's response to lines of questioning and the lack of credibility of some of the explanations that the Officer provided to the panel and the panel's consideration of the breakfast bowl and the keyboard used.
83. Counsel for the Officer referred to the Officer's absence of any motivation to key jam whilst he was undertaking physiotherapy and that his line managers knew that he needed breaks. The panel however knew that it was not for the panel to speculate as to the Officer's motivation for key jamming.

84. The Officer had accepted that the key jamming occurred and for the reasons already stated, the panel rejected the Officer's account as to how the keys were jammed or could have been jammed. The panel concluded that the Officer had intentionally jammed the keys and did so to give the false impression that he was working.
85. Counsel for the Officer further submitted to the panel that it should not be regarded as unreasonable that the Officer placed his breakfast bowl upon his laptop keyboard. Counsel conceded that whilst it may not have been sensible for the Officer to have done so, it would be unfair for the panel to decide that it was not likely that the Officer did as he had explained. For the reasons already stated, the panel rejected the Officer's evidence that he had placed his breakfast bowl on his laptop keyboard.
86. Having determined that the Officer's explanation provided for the activation of the space bar i.e. his placing of his breakfast bowl on the space bar was not credible and that some other unknown mechanism was more likely than not used to activate the space bar and 'e' key, for a total period of 612 minutes (10 hours and 12 minutes), the panel determined that **Alleged Fact 1 was proven**.
87. The panel then turned to Alleged Fact 2 in its assessment of whether the Officer had key jammed to given the false impression that he was working when he was not.
88. The panel noted that whilst the AA had not provided any specific reason why the Officer would wish to give this false impression, they (the panel) were able to provide a 'common sense' conclusion and draw inferences from the evidence presented during the hearing and in the agreed bundle.
89. Having found proven that the Officer had key jammed on the times alleged by the AA, the panel determined on the balance of probabilities, that it was more likely than not that he did so to give a false impression that he was working when he was not as alleged by the AA.

90. On that basis the panel determined that **Alleged Fact 2 was proven.**

Breaches of the Standard and Professional Behaviour

Breach - Honesty and Integrity

91. The panel found that the Officer's proven conduct was intentional and that he had sought to give others the false impression that he was working when he was not.

92. At the time of the proven conduct, the Officer was employed as a police constable by Devon and Cornwall Police and that he was therefore being paid a salary for periods when he intentionally gave a false impression that he was working.

93. On that basis, the Officer had failed to act with honesty and integrity, and he had not acted sincerely and truthfully.

94. The panel found that the Officer had provided an account for his actions that was knowingly false and misleading.

95. The panel therefore found the Officer in breach of the standard of professional behaviour of Honesty and Integrity.

Breach – Duties and Responsibilities

96. Having found the allegations proven, the panel determined that the Officer had not been diligent in the exercise of his duties.

97. Their finding that the Officer had intentionally given the false impression that he was engaged in police duties during the times of the proven conduct was evidence of his failure to act in a diligent manner.
98. The panel further found that the Officer's proven conduct was evidence of his failure to carry out his duties and obligations to the best of his ability.
99. The panel therefore found the Officer in breach of the standard of professional behaviour of Duties and Responsibilities.
100. The panel found that the Officer had behaved in a deceitful and dishonest manner by giving the false impression through key jamming that he was working when he was not. The panel further found that the Officer would have received salary payments for the periods when this proven conduct was being undertaken.
101. The panel determined that any person working for the police should always keep in mind that the public expect the highest standards of behaviour. They also determined that any person working for the police should consider whether a particular action might result in members of the public losing trust and confidence in the policing profession.
102. The panel concluded that the Officer's proven actions would bring discredit on the police service or undermine public confidence in policing.
103. The panel therefore found the Officer in breach of the standard of professional behaviour of Discreditable Behaviour.

Level of Breach

104. The panel assessed the seriousness of the breaches upon the facts as they had found to determine whether the proven conduct of the Officer amounted to misconduct or gross misconduct. It was clear to the panel that the

level of the breach would result in the panel finding of either misconduct or gross misconduct and certainly not a case where they were to find neither.

105. The panel reminded itself that misconduct is defined in the Regulations as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action whilst gross misconduct is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

106. In accordance with the Guidance the panel assessed the seriousness of the proven misconduct by reference to paragraph 4.3 of the Guidance,

- The Officer's culpability for the misconduct
- The harm caused by the misconduct
- The existence of any aggravating factors
- The existence of any mitigation factors

107. The panel were mindful to avoid 'double counting' in their assessment of seriousness.

Culpability

108. The panel found that the Officer's proven actions and breaches of the Standards of Professional Behaviour were intentional and deliberate.

109. The panel determined the Officer's culpability was **HIGH**.

Harm

110. The panel were assisted by paragraphs 4.63-4.74 of the Guidance in their assessment of harm caused by the Officer.

111. The harm included reputational harm

112. The effect of the misconduct and the very real likelihood of undermining public confidence if the circumstances were known to the public.

113. Having carefully considered the Guidance, the panel determined that the harm caused by the Officers proven actions and breaches of the Standards of Professional Behaviour was **HIGH**.

Aggravating Factors

114. The panel considered the list of aggravating factors provided at paragraph 4.76 of the Guidance.

115. The panel found that the proven misconduct of the Officer engaged several of the aggravating factors:

- (i) Premeditation, planning and taking deliberate steps
- (ii) Regular and repeated behaviour over a period of time
- (iii) Malign intent to gain a personal advantage
- (iv) Abuse of trust in relation to that trust imparted to the Officer to work from home
- (v) Concealing wrongdoing

Mitigating Factors

116. The panel considered the factors detailed at paragraphs 4.79-4.82 of the Guidance. The panel were aware of paragraph 4.79 that mitigating factors are not the same as personal mitigation.

117. After careful consideration the panel found that there were no mitigating factors in the case.

Determination of Seriousness

118. Having carefully considered the Officer's culpability and harm in accordance with the Guidance, the panel's starting point for seriousness was deemed to be **HIGH**.
119. Following the panel's consideration of aggravating factors, the panel found their starting point of seriousness was unchanged.
120. The absence of mitigating meant that the panel's assessment of seriousness received no reduction and remained as **HIGH**.
121. Having carefully considered seriousness in accordance with the Guidance and noting paragraph 4.26 of the Guidance, which confirmed the panel's and for that matter the public's likely view of the matter, if they were aware of it, that Honesty and Integrity are fundamental requirements for any police officer, the panel determined that the proven actions of the Officer were at the **upper end of seriousness**.
122. The panel, after their consideration found that the Officer's breaches of the Standards of Professional Behaviour were so serious as to amount to **Gross Misconduct**.

Decision on Outcome

123. When considering the outcome, the panel took note of the submissions provided by respective Counsel for the parties and the application of the Amendment Regulations, which came into effect on 28th May 2025 predating the allegations subject of this hearing.
124. The Amendment Regulations state that where the panel found gross misconduct proven then the outcome will be dismissal without notice unless

the panel were satisfied that there were exceptional circumstances which justify a final written warning (a reduction in rank was not relevant to this hearing).

125. The panel, in open hearing, were given legal advice from the LQP to assist them in their determination of what was or could be meant by *exceptional circumstances*.

126. Counsel for both the AA and the Officer submitted that no exceptional circumstances were engaged in this hearing.

127. The panel reminded itself of the purposes of police misconduct proceedings as defined at paragraph 2.3 of the Guidance, which are repeated below,

1. To maintain public confidence in and the reputation of the police service
2. To uphold high standards in policing and to deter misconduct
3. To protect the public

128. The panel having noted paragraph 3.24 of the Guidance that they must have regard to the Officer's record of police service when considering the outcome for the Officer were provided with the Officer's service record which was carefully considered during their further deliberations.

129. Having assessed the totality of the proven breaches, the application of the Amendment Regulations, the Officers service record and the purpose of the police misconduct regime, the panel determined that they were not satisfied that there were exceptional circumstances to justify the panel departing from the sanction of dismissal.

130. Therefore, the panel found, as **the outcome**, that the Officer be **dismissed without notice**.

131. The Chair confirmed that the details of the matter could be published on the force website in the usual way and that the Officers name could appear on the barred list.

132. The Chair thanked the parties for their helpful assistance with the hearing.

Chair ACO Ian Saunders

9th June 2026

IPM Mr. Chris Hanvey

IPM Mr. Mike Marshal

END.