Cheshire Constabulary

Outcome of Accelerated Misconduct Hearing and Right to Appeal

Regulation 63 Police (Conduct) Regulations 2020

Officer's Name: Samuel Clarke

Collar Number: 30653

Rank: Constable

At an Accelerated Misconduct Hearing held on **1st December 2025**, the following allegations contrary to the Standards of Professional Behaviour were considered:

Allegation One

It is alleged that on 25th October 2024, whilst on duty at North Cheshire Custody, Runcorn, you have used excessive force on a detainee, namely X, aged 15 years, and that use of force was not reasonable, necessary, or proportionate in all of the circumstances. On 17th September 2025, you appeared at Sefton Magistrates Court and were found guilty of Assault.

It is alleged that you have failed to act with self-control and tolerance and have abused your powers and authority. It is alleged you have used force that was not reasonable, necessary, or proportionate in all of the circumstances and have since been convicted of a criminal offence of Assault. You have behaved in a manner which discredits the Police service and undermines Public's confidence in it. It is alleged you have breached the Standards of Professional Behaviour.

Contrary to paragraph 2, 4 and 9 of Schedule 2 to the Police (Conduct) Regulations 2020 (Authority, Respect & Courtesy, Use of Force and Discreditable Conduct).

Outcome:

I have considered the potential outcomes available to me under Regulation 62. I consider that a final written warning for five years is the most appropriate sanction in this case for the reasons details below.

Determination:

I am Chief Constable Mark Roberts, and I act as the decision maker for this Hearing.

I have carefully considered all the information presented to me in the bundle including all the MG11 statements and PC Clarke's Regulation 54 Response. I have also heard representations from PC Clarke's legal representative, Phillip Astbury and Elizabeth Heavey, legal representative for the Appropriate Authority.

PC Clarke was convicted on 17th September 2025 at Sefton Magistrates Court for assault contrary to Section 39 of the Criminal Justice Act 1988. The assault occurred at Runcorn Custody Suite on 25th October 2024. PC Clarke was sentenced to a Community Order for 18 months, Rehabilitation Activity Requirement, unpaid work, and to pay compensation and costs.

I note that in his Regulation 54 response PC Clarke admits that his conduct on the day in question amounts to gross misconduct and acknowledges he holds a conviction for common assault.

His conduct is Gross Misconduct as such a breach of the Standards of Professional Behaviour is so serious that it could justify dismissal.

Given I have made a finding of Gross Misconduct, I will now move to determine the appropriate sanction. In making my decision on sanction I adopt the three-stage process as outlined in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings.

The first stage is to assess the seriousness of the conduct. This must be considered with reference to:

1. The officer's culpability
2. The harm caused by the misconduct
3. Any aggravating factors
4. Any mitigating factors

Secondly I must keep in mind the purpose of the police misconduct regime, which has three core elements:

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

I note that the purpose of the police misconduct regime is not designed to punish police officers – it is about the reputation and public confidence in the profession as a whole.

The final stage is for me to choose the most appropriate sanction taking into account the seriousness of the conduct.

I note from Section 62 of the Police (Conduct) Regulations 2020 that the sanctions I am able to impose are as follows:

(a) dismissal without notice, or
(b) if I am satisfied that there are exceptional circumstances which justify it—
(i) a final written warning, or
(ii) reduction in rank.

I will first assess the seriousness of PC Clarke's conduct on 25th October 2024.

In relation to culpability, I cannot deny that PC Clarke's actions were serious and significant. No one is denying the seriousness of the Officer's conduct, including PC Clarke himself. I note from paragraph 20 of his Regulation 18 response (page 71 of the bundle) that PC Clarke accepts the force he used was excessive, but I also note the officer states that his actions were a response to a repeated course of homophobic abuse from X towards one of his colleagues. I note that PC Clarke did not intend to seriously injure X. He states that he had been trained in techniques to stop behaviour that was wrong and effectively "reset" someone's condition. I am aware of such techniques and their purpose. That said, I agree with PC Clarke that, although such techniques are taught, PC Clarke should not have used this technique in this particular situation.

I do assess culpability in this case on the high side.

I then turn to the harm of the conduct in question has caused to X.

I am aware from the evidence within the bundle that it is alleged X suffered an injury as a result of the incident, namely swelling above and around his right eye and brow onto the top of his cheekbone, as stated in the evidence of his mother who visited X in his cell the next day (26th October 2024) at approximately 3pm. That said, I note from the MG6E Disclosure Officer's Report from criminal file at page 127 of the Bundle that custody CCTV shows X banging his head on a wall and the floor whilst his mother was present. It is also noted that the CCTV does not corroborate the chronology of when X's mother saw his injuries. I also note from page 128 of the Bundle that when X was booked into custody the only injury noted was a cut to his wrist. Finally, page 128 of the bundle notes that the custody record records X banging his head against the wall and floor in the cell at 4pm.

Therefore when considering any injuries caused to X during my assessment of the harm caused, I am not convinced the injuries stated by X's mother in her statement were caused by the incident in question.

When considering the harm test, I have also considered the effect this incident is likely to have had on X. I must be clear that the previous offending of X, some of it of an extreme nature, does not make him impervious to suffering harm through an incident such as this. However it is clear from the evidence that the physical harm alleged is not credible and that the psychological harm on someone with such a propensity to violence must be considered int the round of his own lifestyle and choices.

I will now move to stage 3 of the conduct assessment, namely any aggravating factors. I have to acknowledge that this incident involved a juvenile who was in police custody and within a police building at the time. I also note that X was handcuffed to the rear at the time of the incident. Finally I have also considered that PC Clarke has a criminal conviction as a direct result of his conduct.

In relation to stage 4, I have considered the following mitigating factors as presented to me by the Officer in his Regulation 54 response and as presented to me during the course of this hearing.

1. PC Clarke's acceptance of the conduct in question and that it amounts to Gross Misconduct.
2. Insight into his shortcomings.
3. The remorse shown by PC Clarke
4. PC Clarke's exemplary record and service to policing.
5. The character references as contained within the hearing bundle.
6. That this was a momentary lapse of self-control and judgement.
7. That, in my view, PC Clarke spoke with honesty and dignity and, at the earliest opportunity, fully accepted responsibility for his actions.
8. The testimonials to his character were notable by the sear number and spread over ranks that spoke to his professional but also positive character traits.

In relation to the purpose of the misconduct regime, I am aware of the purpose of the police misconduct regime as noted above, and I have carefully considered the appropriate sanction in this case.

I further remind myself that the police misconduct regime is not designed to punish police officers – it is about the reputation and confidence in the profession as a whole. I note PC Clarke has already been punished via the criminal courts for his behaviour.

I do acknowledge that the outcome imposed can have a punitive effect. That said, the outcome should be no more than necessary to satisfy the purpose of the proceedings. I have therefore considered all possible sanctions. I shall impose the sanction that deals adequately with the issues identified, whilst

also ensuring the public interest and confidence in the policing profession is protected.

I am conscious that in case of gross misconduct for there not to be dismissal there must be exceptional circumstances. That is borne out of my approach in 4 years of conducting accelerated misconduct hearings; I have only once previously not dismissed an officer after a finding of Gross Misconduct

I am of the view, considering everything I have read in the bundle and heard during the course of this hearing today, that although the starting position when Gross Misconduct is proven is dismissal, there are exceptional circumstances in this case to justify a less severe sanction, namely a final written warning for 5 years. Reduction in rank is not available in this case as the officer is a constable.

Chief Constable:

Date: 05/12/2025

Right of Appeal

You have a right of appeal to a Police Appeals Tribunal against the finding and / or disciplinary outcome imposed at the hearing. A Police Appeals Tribunal is not a re hearing of the original matter; rather its role is to consider an appeal based on specific grounds. Those grounds are:

- That the finding or disciplinary action imposed was unreasonable; or
- That there is evidence that could not reasonably have been considered at the misconduct hearing which could have materially affected the finding or decision; or
- That there was a breach of the procedures set out in the Police (Conduct) Regulations 2020, or other unfairness which could have materially affected the finding or decision on disciplinary action.

Should you wish to appeal he will need to give notice of his appeal in writing to the local policing body. The notice of appeal must be given within 10 working days, beginning with the first working day after receipt of this notice.

Any request for an appeal must be forwarded to:

Mr Dan Price
Police and Crime Commissioner
Clemonds Hey
Oakmere Road
Winsford
Cheshire
CW7 2UA

If you fail to submit a notice of appeal within the 10 working days period, he may, within a reasonable time after the end of that period, submit a notice of appeal which shall be accompanied by the reasons why it was not submitted within that period, and the reasons for his view that it was served within a reasonable time after that period.