

**Misconduct Hearing of PC Jon Toolis P258118 and PC Nathaniel Lordan P242424
Held on 13th -15th May 2026**

DECISION OF THE PANEL

The following represents the Panel's findings in respect of the Metropolitan Police Misconduct hearing held at Palestra House, Southwark, London, between the 2nd February and the 4th February 2026 and which was continued at Empress State Building, West Brompton between the 13th May and 15th May 2026. The Panel was chaired by Commander Stephen Clayman, with Independent Panel Members Ms Margie Leong and Mr Pradeep Agrawal. The Legally Qualified Advisor was Mr Christopher McKay.

Preliminary Matters

1. The Panel was provided with 4 bundles prior to the commencement of the hearing. The main bundle consisted of 459 pages. There was an addendum bundle of 8 sections. The Defence provided a bundle which included the Regulation 31 Response. There were a number of video recordings from body worn video (BWV) cameras and Local Authority CCTV. The Panel was able to consider this evidence in preparation for the hearing. During the hearing the Defence provided two bundles of character references amounting to 23 pages.
2. The hearing commenced on 2nd February 2026 with three police officers involved as "officers concerned", these were PC Toolis, PC Lordan and PC Collins. At the start of the hearing the Panel considered an application from Defence Counsel, Ms Dyer, who represented PC Collins, for a report from a use of force expert, Mr

Carvalho, to be admitted in evidence. This application was resisted by the Appropriate Authority (AA). The Panel decided to refuse the Defence application.

The reasons for its decision were as follows:

3. Prior to the hearing commencing, the panel heard submissions from those representing the officers for the late admission of evidence from an expert witness relating to officer safety techniques. This was over and above the joint expert that had been instructed following the prehearing on the 24 September 2025.
4. The Panel took into account the submissions on behalf of the AA, those representing the officers, along with the advice of the LQA.

The Panel as advised by the LQA, considered two principal issues:

- i. Relevance of Mr Carvalho's statement
- ii. Is it fair to admit this evidence at such a late stage, taking into account the potential prejudice to any of the parties and the principles of fairness and natural justice?

In respect of point (i), The Panel finds that the report is certainly relevant as it pertains to the use of force and is most relevant to that used by PC Collins in respect of his Level 2 Public Order Training.

In respect of point (ii), the Panel note the pre-hearing directions and correspondence between the parties relating to the joint expert, particularly over the agreement about the basis on which the joint expert would be instructed. The fact that paragraph 12 (j) relating to the instructions of the expert was ultimately removed, at the insistence of the Defence representatives, is important and the

Panel feels that any deviation from the joint instruction should have been a decision for the Chair, certainly post any Regulation 31 response from the officers, given the provisions in Regulation 41(11).

It is understood that the single joint expert report was awaited prior to the Defence deciding whether to use Mr Carvahlo's report, which was received by the Defence solicitors on 11th January. However, the Defence failed to notify the AA about their intention to use the report until the 28th January. This was particularly late, being only 2 working days before the start of the misconduct hearing, thereby putting the AA at a significant disadvantage. There was an opportunity after the 13th January 2026, when the joint expert report was shared, for the Defence to promptly inform the AA and the Chair of the desire to use Mr Carvahlo's report. This was not done.

It is therefore the decision of the Panel to not allow the expert evidence of Mr Carvalho at this stage given the lateness of service. Where evidence is obtained, after the service of the Regulation 31 notice, its admission should be approved by the Chair.

The Panel also had access to the L2 Public Order training manual, highlighting the specific sections that it should take into account.

5. Allegations (Regulation 30 Notice)

PC TOOLIS

The allegations against you are that you used force that was not necessary,

proportionate and reasonable in all the circumstances as follows:

(i) You failed to engage in any or any meaningful tactical communication with Mr Tshikeva;

(ii) You immediately put your hand on Mr Tshikiva's chest and said "Stay there" (although he had already stopped to talk to you);

(iii) You then shoved Mr Tshikeva backwards;

(iv) You then slammed Mr Tshikiva, face first, into the doors of an adjacent building; and

(v) You went on to deliver up to 12 punches to Mr Tshikeva's right arm.

The allegations, individually or cumulatively, are alleged to amount to gross misconduct

PC LORDAN

The allegations against you are that you used force that was not necessary, proportionate and reasonable in all the circumstances as follows:

(i) You failed to engage in any or any meaningful tactical communication with Mr Tshikeva;

(ii) You held Mr Tshikeva around his neck whilst PC Toolis punched his arm repeatedly;

(iii) You delivered up to 8 punches to Mr Tshikeva's face/head;

(iv) You delivered a forceful punch to Mr Tshikeva's face/head in retaliation to being spat at.

The allegations, individually or cumulatively, are alleged to amount to gross

misconduct

6. Background

In the early hours of 19 February 2023, Metropolitan Police units attended the area around The Book Club nightclub in Shoreditch, East London, following reports of disorder. The events that followed were captured on a combination of Local Authority CCTV, mobile phone footage and extensive Body Worn Video footage from police officers and local council enforcement officers present.

PC Lucas Collins was one of the first officers to arrive on foot and engaged directly with both Mr King Tshikeva and his partner, Mr Dior Wallace. During this initial phase, Mr Tshikeva, who had recently been ejected from the nightclub and appeared distressed and agitated, explained to officers, including PC Collins, that he had been subjected to homophobic abuse inside the venue.

PC Collins spoke calmly with him, asking what had happened and gathering information. At this point, PC Collins did not consider Mr Tshikeva a suspect and made no physical contact with him. PC Collins' role at this stage was limited to observation and inquiry; neither complainant was being detained, directed, or treated as a threat, and no force was used.

PC Collins left Mr Tshikeva and his group with other officers.

Mr Tshikeva subsequently walked off from the police officers along Phipp Street, where he came across PC Toolis and PC Lordan, also responding to the same incident.

As Mr Tshikeva approached PC Toolis, a colleague further up the street pointed towards him, which PC Toolis took to mean to stop him, as he may have been involved in the earlier fight.

The subsequent interaction between PC Toolis and PC Lordan with Mr Tshikeva drew the attention of nearby members of the public, causing a large crowd to gather and increasing tension at the scene, which developed into a public order situation. It was during this part of the night's events that it is alleged that PC Toolis and PC Lordan acted with unnecessary aggression towards Mr Tsikeva and their behaviour was in breach of the standard of professional behaviour relating to use of force.

7. Officers' responses to allegations

In his Regulation 31 Response, PC Toolis denied any misconduct, stating that he saw Mr Tshikeva being pointed out by a colleague and positioned himself in front of him and asked him to stay where he was. He put his hand out as he made the verbal request and admitted that his fingertips made "de minimis" contact with the upper part of Mr Tshikeva's chest area. PC Toolis alleged that Mr Tshikeva then grabbed hold of his wrist which he considered put him in a dangerous situation. Thereafter, PC Toolis sought to release Mr Tshikeva's grip on him, which he did. He then pushed Mr Tshikeva away and decided to turn him round to reduce the risk of being assaulted by him. Mr Tshikeva grabbed hold of a door handle and did not respond to a verbal command to let go. PC Toolis admitted that he then struck Mr Tshikeva's forearm several times in an effort to force him to release his grip on the door handle. He said these strikes were necessary and proportionate.

In his Regulation 31 Response, PC Lordan denied that his conduct amounted to misconduct. He said that he became involved in a fast-moving incident and had to make an assessment and decision almost instantaneously in restraining an already or potentially violent person. He saw that PC Toolis was struggling to restrain Mr Tshikeva and he went to his assistance. He put his right arm over Mr Tshikeva's right shoulder and his left hand was locked onto Mr Tshikeva's left wrist. He did this in an effort to control him. He claimed that tactical communication was not a realistic alternative to physical intervention. PC Lordan says that he then delivered distraction strikes at short range to the left hand side of Mr Tshikeva's face. He said that the strikes were not delivered with any significant force, his aim was to shock Mr Tshikeva, who appeared to PC Lordan to be very physically strong and of large build. His primary consideration was the safety of other officers and was to bring Mr Tshikeva under safe control. Further strikes from PC Toolis resulted in Mr Tshikeva releasing his grip on the door handle. However, he resisted having handcuffs applied and further strikes were necessary from PC Lordan. During the continuing struggle, Mr Tshikeva spat in PC Lordan's face. The officer immediately delivered a strike to Mr Tshikeva's face. He claimed that this was done to stop any further assault. He said that this strike was a proportionate response in the circumstances.

8. The Hearing

The Panel heard oral evidence from Mr King George Tshikeva, Mr Dior Randall Wallace, PC Kabro Eid and PC Manku who were all called as witnesses by the Appropriate Authority (AA). The Panel then heard from PC Christopher Phillipson, a use of force expert, who had been jointly instructed by the AA and the Defence.

Before his evidence had concluded, Mr Hill, Defence Counsel who was representing PC Toolis and PC Lordan, was taken ill and the hearing was adjourned. That happened on the 3rd day of the hearing, Wednesday 4th February. Mr Hill was not well enough to attend the hearing subsequently on the 5th, 6th, 10th or 11th February. The Panel therefore decided to sever the 2 officers represented by Mr Hill from the 3rd officer, PC Collins who is represented by Ms Dyer. The Panel decided to carry on with the case against PC Collins on the 10th and 11th February. The case against PC Toolis and PC Lordan was adjourned to 3 days in May 2026. The Panel decided to deal with the case against PC Collins separately because his involvement was distinct from that of PC Toolis and PC Lordan in that they dealt with the detention of Mr Tshikeva, while PC Collins was involved with creating a safe cordon between the public and the arresting officers. PC Toolis and PC Lordan agreed to this course which was designed to make the best use of the time available. PC Collins was keen for the case against him to be concluded.

PC Collins outcome report was presented separately to the relevant parties

9. The Relevant Law

In considering the allegations against PC Toolis and PC Lordan the Panel bore in mind that the burden of proof is on the AA. The standard of proof is the balance of probability. This means that the Panel must be satisfied that it is more likely than not that the allegation is true before it can find it proved. The Panel accepted the advice of the Legally Qualified Adviser (LQA) that PC Toolis and PC Lordan are of good character because they have no criminal convictions and have no disciplinary findings against their names. Being of good character is not a defence to the

allegations but is relevant in two ways. First, they have given oral evidence and have made a number of written statements prior to the hearing. Their good character supports their credibility. It is a positive feature which the Panel should take into account when considering whether they accept their evidence. Second, the fact that both officers have no previous convictions or adverse disciplinary findings may mean that they are less likely to have committed the misconduct alleged against them. The Panel also took into account the bundle of references and testimonials provided in support of PC Toolis and PC Lordan which provided further evidence of their good character. Each officer had 5 references. PC Toolis is described as a professional, ethical, and calm officer, trusted to exercise sound judgement in high-pressure situations. PC Lordan is described as a valued member of the team and a trusted colleague. His attributes include being honest, respectful and professional. He is also praised for being calm and measured.

10. Findings of the Panel

The Panel approached its assessment by firstly considering the context of both PC Toolis and PC Lordan's involvement in the incident. This assisted in establishing what their honestly held belief was when using the force outlined in the allegations.

This included the following elements:

- What information they had received on the police radio about a fight occurring near the nightclub?
- Their experience of policing the nighttime economy in that part of London.
- The demeanour of Mr Tshikeva at the time at the time of the incident
- Their initial scene assessment as they walked up Phipp Street and approached the other officers and Mr Tshikeva
- Their application and understanding of the National Decision Model (NDM) in a fast paced, spontaneous and developing public order situation

The Panel has had the opportunity of reviewing extensive CCTV and BWV footage from the 19 February 2023, along with additional documentary evidence, including that of the joint expert for officer safety training, Mr Phillipson.

The Panel heard that both officers had worked in Hackney Borough for a number of years and attended multiple incidents over that time in what can be described as the Nighttime Economy district within Shoreditch, which is known to be one of the largest in Europe.

Both officers were up to date with their own Public and Personal Safety Training (PPST).

The Panel has taken into consideration the evidence it has seen in relation to the precursor interactions between Mr Tshikeva and door staff outside The Book Club, along with the later dialogue with officers who were first on scene. It is certainly evident that Mr Tshikeva was aggressive, sweating profusely and behaving erratically towards others, along with his friends intervening too. It was also noted Mr Tshikeva did stop in response to an earlier verbal command by PC Collins without any physical contact.

However, this was out of sight of the two officers concerned and therefore the Panel has concentrated on what they would have seen and what information they had based their

decision making upon. The officers had arrived later than the other police units as they had been dealing with another incident nearby and arrived on foot.

In relation to Mr Tshikeva, he is considered by the Panel to be a largely credible witness in this case and had set the scene for the whole incident leading up to his contact with PC Toolis and the resulting public order situation. However, his recollection of events is not complete and was unclear at times, making no mention of being pushed by PC Toolis but recalling he held onto a pole. However, the Panel was ultimately assisted by the contemporaneous evidence of the CCTV and BWV.

Both PC Toolis and PC Lordan are of good character and are credible witnesses.

The Panel had heard previously from PC Phillipson, who had been instructed by both parties to provide expert witness evidence on how officers are trained in the use of force. He explained how Public and Personal Safety Training (PPST) is delivered across the MPS.

In his statement, PC Uphill describes how he pointed towards Mr Tshikeva when he saw PC Toolis and PC Lordan approaching, in order to make them aware PC Manku was just behind Mr Tshikeva. The officers would not have been aware of PC Uphill's intention when pointing.

The Panel has noted that both officers ran towards Mr Tshikeva who was casually walking towards them and they then slow down to a walk just before they reach him. PC Lordan is seen to rest an object he picked up at a previous call by an adjacent car whilst PC Toolis walks up to Mr Tshikeva.

The Panel has paid close attention to Mr Tshikeva's demeanour and actions when he met PC Toolis. He appears relatively calm, holding a bag in his left hand and raising his right arm casually as he says "I'm not under arrest". At the same time PC Toolis has extended his left arm, with his palm facing towards Mr Tshikeva and touched his chest, albeit lightly with his fingertips, as seen on CCTV footage, whilst saying "Stay there".

It is this action that has caused Mr Tshikeva to take hold of PC Toolis' left wrist and pull it away. This has then resulted in PC Toolis pushing Mr Tshikeva's chest, forcing him backwards to which he said "stop touching me, why the fuck are you touching me" and

PC Toolis then tried to turn Mr Tshikeva around saying “put your hands behind your back”. Mr Tshikeva is pushed towards a doorway, where PC Toolis is joined by PC Lordan, and a short time after other officers arrive, they are now trying to apply handcuffs to Mr Tshikeva. A public order situation is now developing as onlookers and friends of Mr Tshikeva are trying to intervene and others are filming and shouting at officers.

11. Panel’s approach to Use of Force

The Panel has been advised on its approach under the Police Conduct Regulations 2020 in that police officers should only use force where it is necessary, proportionate and reasonable in all the circumstances.

The AA has suggested that the Panel should ask three questions in respect of each of the allegations:

- i) Was there a legal power to use force – s117 PACE, s3 Criminal Law Act 1967, or Common Law?
- ii) Was any of the force necessary?
- iii) Was the actual use of force selected proportionate and reasonable.?

The Panel then turned to each officer’s set of allegations:

PC Toolis

In considering the legality of PC Toolis’ actions, the Panel heard that his intention was just to speak to Mr Tshikeva and PC Uphill in order to establish the facts. PC Toolis said that he considered the initial comment that “I’m not under arrest” by Mr Tshikeva was more akin to something said by a suspect rather than a victim.

In fact, what occurred following contact with Mr Tshikeva’s chest, was a very quick escalation of force in response to Mr Tshikeva removing PC Toolis’s hand by the wrist. PC Toolis explained that his initial use of force relied on common law following what he saw as Mr Tshikeva’s aggression by removing his hand, along with the other factors such as his stature and his demeanour at the time, as well as sweating profusely.

It is noted that PC Toolis has not told Mr Tshikeva that he is being arrested for any offence at the time the force was being applied. In fact, PC Toolis maintains he still wanted to speak to Mr Tshikeva and police colleagues but had to detain him so that he was not a risk to colleagues or others. The officer stated that he was now relying on s3. CLA 1967 detaining him as he now believed him to be a suspect in the reported fight and therefore a person 'unlawfully at large', but this assumption was a significant leap from wanting to stop him to establish his involvement and Mr Tshikeva was not informed of this.

The Panel has considered whether the actions of PC Toolis were lawful. It is accepted that the National Decision Model (NDM) is fluid and each officer's application of it will be influenced by their own experiences and situational perspective. In this instance, PC Toolis has not been privy to all the information on the preceding events, nor the fact that Mr Tshikeva's initial account had already been provided to officers and that no action had been taken. It is unclear whether Mr Tshikeva was leaving the scene when he encountered PC's Toolis and Lordan. What is clear from the evidence is that events very quickly escalated once PC Toolis approached and put his hand on Mr Tshikeva's chest. There was minimal tactical communication and PC Toolis' stated intent to speak and establish facts never materialised as events overtook him.

His reaction to Mr Tshikeva removing his hand is immediate escalation into restraint, but at this point Mr Tshikeva has not been told that he is being arrested for the previous assault or even why he has been stopped again. PC Toolis had very little information to support the actions he took, notwithstanding his observations of Mr Tshikeva and the gesturing of a colleague towards him.

The Panel has then assessed each allegation.

Allegations

- i) ***Failed to engage in any meaningful tactical communication with Mr Tshikeva:*** The Panel focused on the initial interaction; there is no real effort by PC Toolis to verbally engage Mr Tshikeva prior to them coming together until Mr Tshikeva was right up to him and he gestures him to stop. Given PC Toolis' actions by touching Mr Tshikeva's chest and his reaction, there was no

time to explain to him exactly what he wanted to speak to him about. In fact, Mr Tshikeva had already explained the circumstances of what had happened in the club to officers earlier, which PC Toolis was unaware of. Whilst the Panel accepts that this was a fast-moving situation, it found that there was an opportunity for PC Toolis to briefly explain what he intended to speak to Mr Tshikeva about and the physical confrontation may well have been avoided. The Panel finds this allegation proved.

- ii) ***You immediately put your hand on Mr Tshikeva chest and said “stay there” although he had already stopped to talk to you:*** having watched the relevant footage, PC Toolis’ initial gesture to “stay there” in itself is not unreasonable in these circumstances, but the Panel found that making contact with Mr Tshikeva was unnecessary. This allegation is found proved in that this was not proportionate, necessary or reasonable in the circumstances.
- iii) ***You shoved Mr Tshikeva backwards:*** This occurred after Mr Tshikeva removed PC Toolis’ hand by the wrist when his arm was stretched out. PC Toolis took this as an act of aggression and reacted with a push to Mr T’s chest, to which Mr T said “why the fuck are you pushing me” and was raising his voice. This was then followed by PC Toolis stepping towards Mr Tshikeva and turning him towards the nearby doorway. The officer had the opportunity to step back to create space rather than pushing him in the chest and moving towards Mr Tshikeva which has escalated the situation. Tactical communication was still an option here despite this. PC Toolis states that he was using his Common Law powers at this time due to Mr Tshikeva’s aggressive behaviour, however this occurred because of the preceding unlawful touching to Mr Tshikeva’s chest by PC Toolis. With no additional tactical communication or even the briefest of explanation this action was not found to be proportionate, necessary or reasonable. This allegation is proved.
- iv) ***You slammed Mr Tshikeva’s face first into the doors of an adjacent building:*** The Panel noted from video evidence that a more accurate description would be that Mr Tshikeva was pushed shoulder first into the

doorway. The movement into the doorway would appear to be reasonable in terms of getting control of a subject in order to restrain them. The doorway was not fixed, flexes upon impact, so making it difficult to assess the level of force used. PC Toolis said that his intention was to turn Mr Tshikeva to gain control and place him in a rear stack (handcuffed) position. At this stage he was relying on his powers under S3 CLA 1967. However, no explanation was provided to Mr Tshikeva that this was PC Toolis' intention although it could perhaps be inferred. Given this is a continuing series events based upon the initial unlawful contact, this allegation is also found proved as that this was not proportionate, necessary or reasonable in the circumstances.

- v) ***You went on to deliver up to 12 punches to Mr Tshikeva's right arm:*** The use of strikes to induce motor dysfunction is something taught at PPST and if this doesn't work, an officer can try an alternative method. This evidence was provided by the SME Mr Phillipson. In this instance, the first set of strikes did not result in Mr Tshikeva releasing his grip of the door handle, but the second set did have this effect. Despite how inappropriate this may look to a casual observer, it is an approved technique that can be used. However, Mr Tshikeva has still not been told why he is being detained and this is a further escalation of force that could have been avoided and remained unlawful. Therefore, the Panel found that this was not proportionate, necessary or reasonable and this allegation found proved.

PC Lordan

This officer was with PC Toolis earlier dealing with another incident and arrived on foot with him later on the scene. He was aware of the basic call details in relation to a fight and also a limited description of an IC3 (black) male being a suspect wearing a black polo shirt. Ultimately, he responds to the situation developing with PC Toolis and effectively comes to his aid when trying to detain Mr Tshikeva. However, any use of force is his responsibility to justify.

- i) ***You failed to engage in any meaningfully tactical communications with Mr Tshikeva:*** The Panel's approach to whether PC Lordan used meaningful tactical communication was to consider the interactions directly between the officer and Mr Tshikeva. At one point, it is noted that Mr Tshikeva is asking officers surrounding him why they are hitting him, but this could be directed towards any officer present. There is limited communication between PC Lordan and Mr Tshikeva and whilst there could have been some encouragement from the officer for Mr Tshikeva to cooperate, the Panel found that there was limited opportunity given the circumstances once he was involved. The Panel did not find this allegation proved.
- ii) ***You held Mr Tshikeva around his neck whilst PC Toolis punched his arm repeatedly:*** It is noted that PC Lordan's actions in relation to this allegation were of limited duration and in support of a fellow officer. Whilst he placed an arm around the neck area, at no time did this restrict any breathing or ability to speak. The Panel noted both PC Lordan's evidence, along with the CCTV footage available and at the point of initial contact, he was within a few feet of PC Toolis and turns his head towards PC Toolis just after initial contact is made with Mr Tshikeva and immediately comes to his aid. The Panel found on the balance of probabilities, that he would have been aware, despite the fast-moving nature of what was happening, that no reason for the restraint had been provided, other than commands to comply. PC Lordan therefore knew, or should have known, that any restraint of Mr Tshikeva was unlawful. Therefore, the Panel found that the use of force was not reasonable, necessary or proportionate and this allegation is found proved.
- iii) ***You delivered up to 8 punches to Mr Tshikeva's face/head:*** The Panel found that the strikes were punches as this was conducted with a clenched fist. However, they were not at full strength and being used as a distraction strike, albeit not successful. PC Lordan expected the strikes to have a disabling effect. As the Panel had found in ii), PC Lordan was in close proximity to PC Toolis when he initially laid hands on Mr Tshikeva and he remained so during the entire restraint. He would have been aware that no reason had been provided to Mr Tshikeva for his detention prior to him being

arrested for being drunk and disorderly. Regardless of the fact that he was now assisting his colleague, the Panel found on the balance of probabilities, that he would have still been aware that no reason for the restraint had been provided and that this was an unlawful use of force by PC Lordan and was not reasonable, necessary or proportionate. This allegation is found proved.

- iv) ***You delivered a forceful punch to Mr Tshikeva's face and head in retaliation to being spat on:*** Whilst it is recognised that the sequence of events leading to this moment were unlawful, Mr Tshikeva has now assaulted PC Lordan by spitting at him and the officer is entitled to use reasonable force to defend himself. The officer has never hidden the fact that he punched Mr Tshikeva to the face immediately after being spat at, conscious that he could do so again and the officer was trying to restrict Mr Tshikeva doing this again by pushing his head away. The Panel found the officers' actions here were reasonable, proportionate and necessary and this allegation is not proved.

12. Breach of standards

Given the allegations that have been proved, the Panel has considered each of these a breach to the standards of professional behaviour, namely Use of Force. Under the Police Conduct Regulations 2020 this states that police officers should only use force where it is necessary, proportionate and reasonable in all the circumstances.

Assessment of Seriousness

The same considerations apply to both officers.

Culpability – The officers were responsible for their own actions and events happened in the heat of the moment and whilst deliberate, were not planned. The officers had limited information upon arrival at the scene and ultimately misjudged their response to what was a difficult fast-moving situation, involving split second decisions.

Harm

The incident generated a localised public order incident which required a larger police response. A crowd congregated filming the incident and this clearly agitated a number of onlookers.

This sort of incident would attract comment and could adversely impact on the reputation of the police, along with public confidence, especially given the optics of multiple officers detaining a young male in the street, and using a number of strikes to the head and body.

There was some physical harm to Mr Tshikeva- he reported some bruising to his left eye and arm, although did not require any hospital treatment.

We will deal with the aggravating and mitigating factors separately

PC Toolis

Aggravating Factors –

- Abuse of use of force powers

Mitigating Factors

- This was a single episode, of brief duration
- The actions from Mr Tshikeva appeared hostile at the point of contact with his chest, which contributed to quick escalation and subsequent use of force in the heat of the moment. Mr Tshikeva's lack of compliance and active resistance to officers contributed to a difficult situation for the officers.
- The officer acted in good faith towards a legitimate purpose but got things wrong by not explaining (even briefly) the reasons why Mr Tshikeva was being detained at the outset.

In view of this the Panel has assessed PC Toolis' culpability as medium

The Panel has also assessed the harm caused by PC Toolis' actions as medium

PC Lordan

Aggravating Factors –

- Abuse of use of force powers

Mitigating Factors

- This was a single episode of brief duration
- PC Lordan was reacting in the moment to PC Toolis struggling to detain Mr Tshikeva
- Mr Tshikeva's lack of compliance and active resistance to officers contributed to a difficult situation for the officers, including the fact that he kicked out at PC Lordan and spat directly at him. This required follow-up medical attention. The officer acted in good faith towards a legitimate purpose, but got things wrong by not ensuring Mr Tshikeva knew why he was being detained.

In view of this the Panel has assessed PC Lordan's culpability as medium

The Panel has also assessed the harm caused by PC Lordan's actions as medium

Level of misconduct

Having found the breaches of the standards as set out above proved, the Panel carefully considered whether the breaches amount to gross misconduct, misconduct or neither.

Misconduct is defined in the Regulations as meaning a breach of the standards of professional conduct that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional conduct that is so serious as to justify dismissal. The Panel reminded itself of the circumstances of this case, the breaches of the standards found proved, the need to protect public confidence in, and the reputation of the Police Service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.

PC Toolis

The Panel acknowledge that as Mr Tshikeva was not told why he was being stopped or detained, what followed was therefore unlawful and each use of force thereafter was unlawful. At no point before Mr Tshikeva was restrained by PC Toolis and PC Lordan was

s.28 of the Police and Criminal Evidence Act 1984 complied with. Mr Tshikeva was not informed that he was subject to arrest or the reason for that. It was only after a lengthy struggle between the officers and Mr Tshikeva that he was told he was being arrested for being drunk and disorderly. However, the officer had a genuine belief that Mr Tshikeva had been involved in a fight earlier that night and therefore had the power to detain him and, if necessary, use reasonable force to do so. The Panel found that PC Toolis did not approach the incident with the intention to act unlawfully but after he touched Mr Tshikeva when it was not necessary or lawful to do so, the situation quickly got out of hand. PC Toolis should have spoken to him at arm's length about what was alleged to have happened earlier that night.

The Panel found that having assessed the seriousness of the proven allegations, including taking account of aggravating factors, and in this case a significant number of mitigating factors, that the breach of standards is to the level of **misconduct**.

PC Lordan

The factors described for PC Toolis apply here too, but in PC Lordan's case, he also came to the aid of an officer requiring assistance, but he has to justify his use of force. He may have had a genuine belief that he had the powers to use the force he did, albeit he was factually wrong. He was with PC Toolis when the incident was initiated and was aware of the circumstances of the initial confrontation unlike those officers who later came to their aid.

The Panel is satisfied that PC Lordan was present when PC Toolis approached Mr Tshikeva and made physical contact with him without explaining the reason why he wished to speak to him and without arresting him if he wished to detain him. He was aware of these circumstances which made the actions of PC Toolis unlawful and he failed to remedy the situation before he became involved in the physical confrontation

PC Lordan also suffered an assault himself during the restraint and confrontation.

The Panel found that having assessed the seriousness of the proven allegations, including taking account of aggravating factors, and in this case a significant number of mitigating factors, that the breach of standards is to the level of **misconduct**.

13. Panel Findings on Outcome

In determining the appropriate and proportionate sanction, the Panel have had regard to both PC Toolis' and PC Lordan's service record, the character references produced by them, the facts found proved, the submissions made on behalf of Counsel for the AA and the officers, and the legal advice received from the LQA. The Panel applied the three-stage procedure set out in the guidance. The Panel assessed the seriousness of the misconduct, keeping in mind the purpose of imposing sanctions and chose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Seriousness of the misconduct

The Panel confirms its previous assessment of seriousness set out above in the previous section.

The risk of reputational harm to the Police service is a relevant factor given the public concern about excessive use of force by the police. The Panel therefore determined the risk of reputational harm is medium, given the difficult circumstances the officers found themselves in this situation. The public would also rightly expect officers to intervene and deal with suspected offenders and use force where appropriate.

The character references for each officer have been noted and are as follows:

PC Toolis is described as calm, level-headed and dependable by colleagues.

PC Lordan is described as a role model, able to diffuse situations and is proportionate and calm.

The Panel also noted that both officers are currently on operational duties.

Purpose of the Sanction

The Panel kept in mind at all times the threefold purpose of imposing sanctions, namely: (a) maintenance of public confidence in and the reputation of the police service; (b) upholding high standards in policing and deterring misconduct; (c)

protection of the public. Of these, the maintenance of public confidence in and the reputation of the police service is paramount.

Choosing the most appropriate sanction

The Panel had careful regard to the purpose of outcomes and that they are not intended primarily to be punitive. The Panel also had regard to the need for outcomes to be proportionate. In line with the guidance at 7.4, the Panel considered the least severe outcome first.

PC Toolis

The Panel determined that his conduct constituted a departure from the professional standards set by the Police service and the standards which the public can rightly expect from the police officers who serve them. This was a fast-moving incident that very quickly escalated and the Panel has had the benefit of having available to them a lot of material and background information as to what happened. The officer did not and acted on minimal information, albeit his actions constituted an assault on a member of the public. The Panel recognises PC Toolis' otherwise exemplary service and his commitment to policing

The Panel had regard to the fact that the conduct found proved related to difficult operational circumstances and the Panel determined that the appropriate sanction in this case would be that PC Toolis is subject to a **Written Warning**.

The Panel found that a reduction in rank was not an outcome available and also felt that the use of a final written warning was also not proportionate or appropriate in this case.

PC Lordan

The panel determined that his conduct constituted a departure from the professional standards set by the Police service and the standards which the public can rightly expect from the police officers who serve them. However, once again, this was a fast-moving incident that very quickly escalated and the Panel has had the benefit of having

available to them a lot of material and background information as to what happened. In this case whilst misconduct was found, the officer was trying to assist a colleague but did not have access to the same information as PC Toolis and was required to justify his use of force.

The Panel recognises PC Lordan's otherwise exemplary service and commitment to policing.

The Panel had regard to the fact that the conduct found proved related to difficult operational circumstances and the Panel determined that the appropriate sanction in this case would be that PC Lordan is subject to a **Written Warning**.

The Panel found that a reduction in rank was not an outcome available and also felt that the use of a final written warning was also not proportionate or appropriate in this case.

Commander Stephen Clayman

15 May 2026