PC ADAM SAHEL

(P244199)

ACCELERATED MISCONDUCT HEARING

REGULATION 63(1) REPORT

Introduction

1. This matter comes before me as an accelerated misconduct hearing under Part 5 of the Police (Conduct) Regulations 2020 ("the Conduct Regulations"), as amended.

2. The hearing was conducted by me, Commander Brigid Beehag-Fisher, on 9 October 2026 at Patrick Dunne House, Chalk Pit Way, SM1 4RD.

Public / Private Hearing

3. The hearing was conducted in public.

Representation

4. The Appropriate Authority's ("AA") case was presented by Molly Nairn, Case Manager.

5. PC Sahel did not attend the hearing. PC Chris Jackson, the Officer's Federation Representative was in attendance.

6. I was advised by counsel, Mr Silas Lee, Legally Qualified Advisor ("LQA"), who provided his advice on the record. I delegated responsibility for preparing this report to Mr Lee pursuant to regulation 63(1B). Mr Lee submitted a draft report to me pursuant to regulation 63(1C)(a). Having considered that draft, I have satisfied myself, as required by regulation 63(1C)(b)(ii), that I am content with the report.

The Allegation

7. The Regulation 51 notice alleges that:

On 5 August 2026, at Southwark Crown Court, you were convicted of the offence of Common Assault, contrary to section 39 of the Criminal Justice Act 1988.

You are due to be sentenced on 23 September 2026.

Particulars

On 26 August 2023, whilst on duty in the Calford Patrol Base back yard, you deliberately discharged PAVA incapacitant spray (Pelargonic Acid Vanillylamide) into the face of another officer ("Officer A"), who was at the time a junior member of the team.

PAVA is an incapacitant spray issued to police officers for use only where its deployment is lawful, necessary and proportionate. Its effects include intense pain and irritation to the eyes, temporary impairment of vision, involuntary eye closure, irritation to the skin and respiratory system, and difficulty breathing.

Your actions caused Officer A to be exposed to those effects and resulted in your conviction for Common Assault.

Standards of Professional Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024 and 2025, namely:

Discreditable conduct

Use of Force; and

Authority, Respect and Courtesy

In that you behaved in a manner likely to bring discredit upon the police service and undermine public confidence. As a result of that stated herein, if proven, your conduct amounts to gross misconduct and your dismissal may be justified.

Officer's Response

8. The Officer had not submitted a response to the allegations under either Regulation 18 or Regulation 54.

Evidence

9. I was provided in advance of the hearing with a hearing bundle of 63 pages. I read that material before the hearing. That material included:

    a) Special Case Certificate, dated 13 August 2026;

    b) Form 335D notice of referral to Accelerated Misconduct Hearing, dated 22 September 2026;

    c) Investigating Officer's Report;

    d) Regulation 17 notice, dated 25 October 2023;

    e) Certificate of conviction, dated 6 August 2026;

10. No material was submitted on PC Sahel's behalf.

11. I have considered all of the material provided to me. If I do not mention a piece of evidence in this report, that should not be taken as a suggestion that I have not considered it.

12. I have also considered the submissions made on behalf of the AA and the legal advice provided by the LQA.

The Assault by PC Sahel

13. On 26 August 2023, PC Sahel was on duty with Officer A and other colleagues in their team at Catford Traffic Base. Officer A has given a witness statement dated 20 November 2023 setting out what occurred.

14. In short, the allegation was that, PC Sahel discharged his PAVA spray directly into Officer A's face causing him substantial pain and discomfort.

15. This incident subsequently led to the Officer being charged with assault occasioning actual bodily harm. He was tried on indictment at Southwark Crown Court and convicted of the offence of common assault.

The Evidence

16. The AA provided documentary evidence in the form of witness statements from the criminal proceedings and a certificate of conviction. The evidence was uncontested by PC Sahel.

17. The AA updated me as to the sentence. The Officer was sentenced on 5 October 2026 to a 12 month Community Order with 50 hours of unpaid work.

Submissions and Legal advice

18. I received legal advice from the LQA before retiring to consider my findings. I was reminded that the burden of proving the case rested upon the Appropriate Authority and that the applicable standard was the balance of probabilities.

19. The Officer had not raised any issues in the case. I was advised that the starting point was therefore the certificate of conviction and the evidence of the facts that were necessarily proved by that conviction before considering the allegation in this case and whether that was proved.

20. I was advised to proceed sequentially: first to determine the facts proved, then whether those facts breached either of the Standards alleged, then whether any breach amounted to misconduct, and finally whether it was so serious as to justify dismissal and therefore amounted to gross misconduct. In undertaking that assessment I was referred to the College of Policing *Guidance on Outcomes in Police Misconduct Proceedings* ("the Guidance").

21. I considered that advice together with the submissions advanced by the Appropriate Authority.

Factual Findings

22. The burden of proving the allegation rests upon the Appropriate Authority. The applicable standard is the balance of probabilities.

23. The Officer was convicted at Southwark Crown Court on 5 August 2026 of the offence of common assault. The certificate of conviction confirmed that this was the case.

24. I find that he did spray PAVA incapacitant into Officer A's face causing him substantial pain and discomfort. His conduct was without any policing purpose. In his prepared statement at police interview, he denied the offence but was subsequently convicted of assault. The Officer has provided no response to these proceedings. The facts are therefore undisputed.

Standards of Professional Behaviour

25. Having made my factual findings, I turn separately to whether the conduct amounted to breaches of the Standards of Professional Behaviour alleged.

Discreditable Conduct

26. The Standard of Discreditable Conduct provides that "Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty."

27. By committing the criminal offence of assault, I find that PC Sahel has breached this standard. His actions were without any justification and would have caused substantial pain and discomfort to Officer A. Both his conviction and the underlying conduct itself discredit the police service and would undermine public confidence.

Use of Force

28. The Standard requires that police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances

29. The Officer had no justification for this use of PAVA spray. It was unnecessary and criminal in nature. He is therefore in breach of this standard.

Authority, Respect and Courtesy

30. The Standard of Authority, Respect and Courtesy requires that Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers must not abuse their powers or authority and must respect the rights of all individuals.

31. The Officer's actions constituted a failure to treat his colleague, Officer A, with respect, in that he criminally assaulted him. He abused his access to PAVA incapacitant by using it without a policing purpose to inflict harm. He is therefore in breach of this standard.

Severity

32. Having found that PC Sahel breached the Standards of Professional Behaviour relating to Duties and Responsibilities and Discreditable Conduct, I must determine whether those breaches are so serious as to justify dismissal and therefore amount to gross misconduct.

33. On behalf of the AA, it was submitted that the conduct crossed the threshold into gross misconduct as this was a serious criminal conviction for an offence, committed on duty against another officer causing considerable physical harm. The assault involved the misuse of MPS protective equipment to cause deliberate harm to another.

34. No submissions were provided on behalf of the Officer as he was not in attendance.

35. I received advice from the LQA on the assessment of seriousness. I was reminded that gross misconduct is defined by Regulation 2 as a breach of the Standards of Professional Behaviour so serious as to justify dismissal, and that the assessment is therefore one of degree. I was advised to follow the structured approach in the College of Policing *Guidance on Outcomes in Police Misconduct Proceedings*: first assess seriousness by reference to culpability, harm, aggravating factors and mitigating factors relating to the misconduct; then

keep in mind the purposes of disciplinary action; and finally determine the appropriate outcome.

36. As to culpability, I was advised that intentional, deliberate, targeted or planned conduct will generally attract greater culpability than conduct producing unintended consequences.

37. On harm, I was advised to have regard to the evidence of Officer A, who was caused considerable pain and discomfort. I was also advised to bear in mind that the harm principle extends beyond the suffering caused to one individual victim, but also includes the harm to public confidence in the police service.

38. Finally, I was advised to identify aggravating and mitigating features without double counting. Having undertaken that exercise, the ultimate question for me was whether the proven breach was so serious as to justify dismissal; if so, it amounted to gross misconduct.

39. In making a severity assessment, I have had regard to all of the circumstances of the case and the factual findings I have made.

40. I have had regard to the College of Policing's *Guidance on Outcomes in Police Misconduct Proceedings* ("the Guidance"). The Guidance requires a structured assessment of seriousness by reference to culpability, harm, aggravating factors and mitigating factors. It then requires the decision-maker to keep in mind the purposes of the misconduct regime before determining the appropriate outcome.

Culpability

41. The Officer's conduct was deliberate. He knew that he was discharging the PAVA spray and did so knowing it would harm Officer A. He was convicted at Southwark Crown Court of the offence of assault.

Harm

42. By being convicted of a criminal offence, PC Sahel has acted in a way that undermines confidence in policing. The public would be rightly concerned to

learn that an officer had discharged PAVA spray without any policing purpose to cause deliberate harm to a colleague. Officers must only use force when it is necessary and proportionate to do so. The Officer's conduct might make members of the public fearful that incapacitant could be used without any justification.

43. The harm in this case is high. PC Sahel assaulted a colleague while on duty using incapacitant spray that he had no policing purpose to discharge. This caused physical harm to his colleague and risked undermining confidence in the police.

44. PC Sahel was convicted of assault, which in and of itself is capable of undermining confidence in the police force. It is unacceptable for police officers who are responsible for enforcing the law to break the law themselves.

Aggravating features

45. I have been careful not to double count matters already taken into account when considering culpability and harm.

46. I identify the following aggravating feature:

a) The Officer attempted to cover up his wrongdoing by not owning up to what he had done when asked about the incident by other senior officers.

Mitigating features

47. The Guidance distinguishes factors which reduce the seriousness of the conduct from purely personal mitigation. Relevant mitigating features can include early admissions, genuine remorse, insight and acceptance of responsibility.

48. I do not find that there are any mitigating factors in this case.

Overall assessment of seriousness

49. I have determined that this is a serious case. The offence occurred while the Officer was on duty and using MPS police equipment to deliberately harm a

colleague. The Officer did not own up to his wrongdoing despite having several opportunities to do so.

50. The offence is sufficiently serious that it would be likely to have an adverse impact on public confidence in policing. Therefore, my finding is that the conduct amounts to gross misconduct, in that it is so serious that dismissal without notice would be justified.

Disciplinary Action

51. Having made that finding, I have considered disciplinary action separately.

52. I heard further submissions on behalf of the Appropriate Authority as to disciplinary action. I also received further legal advice from the LQA.

53. Ms Nairn submitted that the new regulations applied and as such, only if exceptional circumstances applied, could a decision be taken other than dismissal without notice. My attention was drawn to the relevant sections of the Guidance.

54. The LQA advised me that the purposes of disciplinary action are to maintain public confidence in and the reputation of the police service, uphold high standards and deter misconduct, and protect the public: the three-fold purpose to which I refer above. Their purpose is not punitive, albeit dismissal may have a punitive effect.

55. The underlying conduct in this case came to the AA's attention before the Regulations were amended on 28 May 2025. However, the allegation in this case is prefaced by the fact the Officer was convicted on 5 August 2026, which was after the Regulations had been amended.

56. The AA's position is that the new Regulations apply as the charge is levelled on the basis of the conviction itself.

57. I have been advised that the regulations are not entirely clear in circumstances when an allegation is made prior to the amendment but conviction occurs afterwards under the new regulations. The Police (Conduct, Performance and

Complaints and Misconduct) (Amendment) Regulations 2025, makes provision for certain transitional arrangements. Paragraph 64(1)(a) provides that:

64.—(1) Subject to paragraphs (2) and (3), the amendments made by Part 3 and the Schedule do not have effect in relation to—

(a)a pre-commencement allegation,

58. An allegation is defined in paragraph 2 of the Regulations as "an allegation relating to a complaint, conduct matter or practice requiring improvement". Paragraph 4 states that "Subject to paragraph (6), these Regulations apply where an allegation comes to the attention of an appropriate authority which indicates that the conduct of a police officer may amount to misconduct, gross misconduct or practice requiring improvement."

59. I have been advised that while the conviction occurred under the amended Regulations, the allegation itself came to the AA's attention when the old regulations applied. This is consistent with the Regulation 17 notice being dated 20 October 2023. There was no new Regulation 17 notice issued after the conviction. The conviction itself has not been treated as a new allegation, albeit it is the basis on which the facts of the underlying conduct are proved.

60. There is no provision that positively suggests that a pre-commencement allegation should be treated as if it had come to the AA's attention on the date it learned about the conviction, rather than the date it learned about the underlying allegation.

61. Therefore, I have been advised that, because this conduct matter came to the AA's attention before 28 May 2025, the applicable regulations are The Police (Conduct) Regulations 2020 prior to their amendment on 28 May 2025 (hereon referred to as the "old regulations"). However, given the uncertainty in the regulations on this point, I will confirm what my decision would have been under the new Regulations as well.

62. Regulation 62(1) under the old regulations, is as follows:

62.—(1) Where the person conducting or chairing the accelerated misconduct hearing finds that the conduct of the officer concerned amounts to gross misconduct, they must impose disciplinary action, which, subject to the provisions of this regulation, may be—

(a) a final written warning;

(b) reduction in rank, or

(c) dismissal without notice.

63. Under the old regulations, I have the discretion as to what outcome I impose, rather than taking a starting point of dismissal and then going on to consider whether exceptional circumstances apply on the facts of this case.

64. I was therefore advised to adopt the approach as set out in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings ("the Guidance").

65. I have had regard to the Guidance, PC Sahel's record of police service and the submissions made by the AA.

Purpose of disciplinary action

66. The Guidance identifies the three-fold purpose of police misconduct proceedings as maintaining public confidence in and the reputation of policing, upholding high standards and deterring misconduct, and protecting the public. It also makes clear that misconduct proceedings are not primarily punitive.

67. The facts of this case raise clear concerns as to the maintenance of public confidence in and the reputation of policing and the upholding of standards. The Officer has been convicted of assault, which is a serious offence. The offence was committed while on duty and the victim was a fellow member of the police force. The assault involved the deliberate discharge of PAVA incapacitant spray. While the effects on the victim were temporary, harm was clearly caused to him. The discharge of the spray was unnecessary and performed without a

policing purpose. The victim was a junior officer who was a new member of the team.

68. Members of the public would be rightly concerned to learn that an officer had discharged incapacitant spray in order to deliberately cause harm to another. Members of the public are entitled to expect that officers of the MPS will use protective equipment such as PAVA spray only when there is a lawful policing purpose. Moreover, the conduct has led to a conviction for assault. The conviction of an officer for an offence of violence, while on duty, is likely to seriously undermine public confidence in and the reputation of policing.

69. I consider it important to uphold proper standards of policing. There can be no place for the inappropriate use of protective equipment, especially when used to harm others without any justification.

70. Whilst the incident itself did not involve members of the public, the misconduct nevertheless calls into question issues of public protection. The Use of Force standard is particularly important as it protects members of the public from inappropriate or disproportionate use of force, such as the discharge of PAVA spray. The Officer showed complete disregard for this standard.

Personal Mitigation

71. No personal mitigation is advanced in this case and I do not identify any such mitigation within the evidence before me.

Decision on Outcome

72. I find that the only outcome that is sufficient to meet the seriousness of the misconduct in this case is dismissal without notice. Both culpability and harm are high for the reasons I have set out. The conduct resulted in a criminal conviction for an offence of violence. Nothing less than dismissal without notice would satisfy the public interest in maintaining, declaring and upholding proper standards of professional conduct.

73. For the avoidance doubt, while I have considered this case as if the old regulations applied, my decision would not have changed had I applied the new regulations in place from 28 May 2025 onwards.

74. As such, my decision is that the officer should be dismissed without notice.

Publication

75. I require the AA to publish this report pursuant to regulation 63(5). The victim in this case has been anonymised as Officer A and I direct that the publication of this report is consistent with protecting their anonymity.

Right of appeal

76. PC Sahel has a right of appeal to a Police Appeals Tribunal. Under rule 9 of the Police Appeals Tribunals Rules 2020, notice of appeal must ordinarily be given before the end of 10 working days beginning with the first working day after the day on which he is first supplied with a written copy of this decision.

Brigid Beehag-Fisher
Commander

13 October 2026