IN THE MATTER OF POLICE MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT) REGULATIONS 2020

BETWEEN

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

AND

PC OMER FAROK

OFFICER CONCERNED

1. This hearing was held in public from 26-30 October 2026 at Palestra House, London. The Panel consisted of F/Commander Andy Brittain (Chair) and Independent Panel Members, Ms Joy Tweed and Mr Simon Williams. Ms Dale Simon was the Legally Qualified Advisor (LQA) to the Panel.

2. The Appropriate Authority (the AA) was represented by Mr Kevin Saunders and the officer concerned was represented by Mr Ashraf Khan.

THE ALLEGATIONS

3. The allegations facing PC Farok are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

   On 15th June 2024, PC Omer Farok attended Parker Street, London, in response to a complaint that a male had unlawfully entered an empty motor vehicle. PC Farok approached Mr. Ghebre-Hiwot and immediately handcuffed him to the rear before detaining him under Police and Criminal Evidence Act 1984 (PACE), s.1. PC Farok then moved Mr. Ghebre-Hiwot towards a brick wall to conduct a search for stolen items. In the course of conducting the search:

   i. *PC Farok failed without good reason to attempt to build a rapport with Mr. Ghebre- Hiwot or ask basic questions of him.*

   ii. *PC Farok pushed Mr. Ghebre-Hiwot against a wall with protruding brickwork, in circumstances where it was not necessary, proportionate or reasonable to do so.*

iii. *PC Farok repeatedly told Mr. Ghebre-Hiwot to stop resisting but unreasonably failed to respond or explain when asked by Mr. Ghebre-Hiwot how he was supposed to be resisting.*

iv. *PC Farok repeatedly referred to Mr. Ghebre-Hiwot as an "idiot", in circumstances where it was disrespectful and degrading to do so.*

v. *PC Farok told Mr. Ghebre-Hiwot not to look at him and face the wall, in circumstances where it was disrespectful, unreasonable and unnecessary to do so.*

vi. *PC Farok unreasonably refused a request from Mr. Ghebre-Hiwot that his jacket be unzipped.*

vii. *PC Farok deployed a "pain compliance technique" that was not necessary, proportionate and reasonable in all the circumstances, namely twisting the handcuffs when Mr. Ghebre- Hiwot attempted to turn and speak to him.*

viii. *PC Farok threw Mr. Ghebre-Hiwot to the pavement, in circumstances where it was not necessary, proportionate or reasonable to do so, and caused Mr. Ghebre- Hiwot to sustain a laceration to his forehead*

ix. *PC Farok unreasonably and disrespectfully continued to shout "stop resisting" after Mr. Ghebre-Hiwot lay motionless on the ground.*

PC Farok contravened the Standards of Professional Behaviour set out in Schedule 2 to the Police
(Conduct) Regulations 2020 as to Use of Force in that the force used by PC Farok against Mr. Ghebre- Hiwot was not necessary, proportionate and reasonable in all the circumstances.

PC Farok contravened the Standards of Professional Behaviour set out in Schedule 2 to the Police
(Conduct) Regulations 2020 as to Authority, Respect and Courtesy, in that he used rude and derogatory language and did not treat Mr Ghebre-Hiwot with respect and courtesy.

PC Farok contravened the Standards of Professional Behaviour set out in Schedule 2 to the Police
(Conduct) Regulations 2020 as to Authority, Respect and Courtesy, in that he did not act with self-control and tolerance when searching Mr. Ghebre-Hiwot.

The behaviour of PC Farok constitutes gross misconduct

CASE SUMMARY

4. On 15 June 2024 PC Farok and PC Bethany Charmling attended Parker Street, Holborn in response to a complaint that a male (Mr Ghebre-Hiwot) had unlawfully entered an empty motor vehicle. The complaint had been made by the owner of the vehicle, Ms Manigan, who was with her partner Mr Husseyin when she found Mr Ghebre-Hiwot in their vehicle and detained him at the scene awaiting the arrival of the police.

5. When the officers arrived at the scene of the incident, some seven minutes later, Mr Ghebre-Hiwot was calm and behaving in a non-threatening manner. PC Farok immediately placed Mr Ghebre-Hiwot in handcuffs with his arms behind his back. In the minutes that followed, PC Farok repeatedly pushed Mr Ghebre-Hiwot into a wall with protruding brickwork, called him an *"idiot"* on fifteen occasions, manipulated the handcuffs while he complained of pain, and then took him to the pavement in a manner that rendered him unable to break his fall. Mr Ghebre-Hiwot landed face first and sustained a laceration beside his right eyebrow.

6. It is alleged that by acting in this manner PC Farok breached the Standards of Professional Behaviour as to *Use of Force* and *Authority, Respect and Courtesy* and that individually or collectively these contraventions constitute gross misconduct.

7. PC Farok denies the allegations. He accepts the detention, the handcuffing, the use of force, the use of the word *"idiot"* and the injury; but he maintains that his actions were lawful, necessary and proportionate in the circumstances as he perceived them.

EVIDENCE

8. In advance of this hearing the Panel was supplied with the documents in accordance with the Police (Conduct) Regulations 2020, which included a copy of the papers served on PC Farok in accordance with Regulation 30 and PC Farok's response to the AA under Regulation 31. In determining the facts in this case, the Panel had regard to:

    - All documents and materials in the hearing bundle the Regulation 30 notice and Regulation 31 notice whether they were explicitly referred to or not during the hearing.

- The CCTV and body-worn video (BWV) evidence.
- The oral evidence of Mr James Millward, PC Charmling, Mr Kenneth Carvalho and PC Farok.
- PC Farok's good character, which is relevant to the Panel's assessment of his credibility as a witness and his propensity to act in the manner alleged.
- The submissions made on behalf of the AA and PC Farok.
- The legal advice provided by the LQA.

THE PANEL'S APPROACH

9. In considering the facts, the Panel was aware that the burden of proof is on the AA and the standard of proof is the balance of probabilities. In line with the principle derived from *Byrne v General Medical Council [2021] EWHC 2237 (Admin),* the Panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the event/conduct occurred; this goes to the quality of evidence.

10. The Panel considered each of the allegations of fact in turn before considering whether any facts found proved breached any of the Professional Standards of Behaviour alleged.

FINDINGS OF FACT

11. The AA relies on the incontrovertible video evidence from PC Farok and PC Charmling's BWVs and the aerial footage from CCTV on Parker Street, the evidence of the AA's use of force expert Mr Millward and PC Farok's own accounts to prove all the factual allegations.

12. The CCTV provides an aerial view of Parker Street on 15 June 2024 but does not have any audio. Prior to the arrival of PC Farok and PC Charmling, the CCTV captured footage of Ms Manigan and her partner Mr Husseyin locating Mr Ghebre-Hiwot in their car. Mr Husseyin and Mr Ghebre-Hiwot are then seen to be engaged in conversation. Mr Ghebre-Hiwot then stretches his arms out to the sides as if presenting himself so that he can be searched by Mr Husseyin. The footage also showed Mr Ghebre-Hiwot handing his bag to Mr Husseyin and then removing the contents of the bag and placing them on the ground near the car. Mr Ghebre-Hiwot appears to be calm during this exchange, and he makes no attempt to flee the area.

13. The BWVs of PC Farok and PC Charmling have audio, and they record the arrival of the officers at the scene, the officers' limited interactions with Ms Manigan and Mr Husseyin, Mr Ghebre-Hiwot's arrest and the circumstances leading up to Mr Ghebre-Hiwot sustaining a head injury as a result of having his face pushed into the protruding corner of a brick wall immediately before he is thrown to the ground with his hands handcuffed behind his back.

14. On the morning of the 26 October 2026 the Panel were provided with a joint statement from the use of force subject experts, which highlighted the points of agreement and disagreement between the experts. The experts agree that PC Farok applied the handcuffs to Mr Ghebre-Hiwot in a non-textbook hybrid position which did not secure Mr Ghebre-Hiwot effectively and that the takedown technique used by PC Farok does not feature in either the Personal Safety Manual (PSM) or the MPS Learning Material.

15. The Panel heard oral evidence from Mr Millward on behalf of the AA. The Panel found his evidence to be balanced and that his description of manoeuvres and levels of communication between PC Farok and Mr Ghebre-Hiwot were supported by the BWV footage. The Panel therefore found him to be a credible witness.

16. The Panel also heard oral evidence from Mr Carvalho on behalf of PC Farok. The Panel found that during the course of his evidence Mr Carvalho sought to speculate on matters that went beyond his expertise as a use of force expert and transgressed into giving opinions on matters of fact that were clearly within the purview of the Panel to determine; e.g. PC Farok's likely state of mind when he arrived at the scene. This suggestion was advanced even though he had not listened to the 999 call or read the

CAD. As a professional Panel, we disregarded the speculative evidence provided by Mr Carvalho but found that his overall credibility as an expert witness was somewhat undermined by his willingness to speculate on the basis of limited and inaccurate information. The Panel were particularly concerned by his response to Mr Saunders when asked in cross-examination why he didn't ask to review all the relevant evidence, he replied, "*I comment on what I am told to do*", this further impacted his credibility in the opinion of the Panel.

17. PC Charmling also gave oral evidence to the Panel. PC Charmling adopted the contents of her written statements dated 15 June 2024 (the day of the incident) and 8 September 2024. The Panel found that there were inconsistencies between PC Charmling's witness statements and her oral evidence. PC Charmling was frequently evasive in response to questions and refused to resile from comments made in her written statement even when shown BWV footage that proved the contrary e.g. she maintained that Mr Ghebre-Hiwot was shouting and swearing at her and PC Farok even though the BWV footage showed that this was not the case. The Panel therefore found that she lacked credibility as a witness.

18. PC Farok elected to give oral evidence to the Panel. He adopted the contents of his earlier written accounts and his regulation 31 response. In assessing PC Farok's credibility as a witness the Panel had regard to his good character; however, the Panel found that there were inconsistencies between PC Farok's written accounts and his oral evidence, he was unable to provide clear explanations for some of his decisions and actions and a number of his explanations lacked plausibility and/or were not supported by the video evidence before the Panel. The Panel therefore found that PC Farok was not a credible witness.

19. At the conclusion of the live evidence, Counsel for the AA and PC Farok provided written and oral submissions to the Panel.

20. **The case for the AA was summarised as follows:**

    1) *Mr Ghebre-Hiwot is a homeless man who was found in a parked car. Before the police arrived, he presented himself and his bag to be searched by Mr Husseyin, apologised, said he had taken nothing and made no attempt to leave. When Mr*

Ghebre-Hiwot heard the sirens, he got out of the car and stood by the wall. He pressed his hands together in a praying position, said "thank you", and was handcuffed to the rear within moments of the officers' arrival at 13:52. PC Charmling then held him alone with one hand on the rigid cuffs, turned away to speak to the vehicle owners, and accepted that he was compliant throughout that period.

2) *In the four minutes that followed, PC Farok pushed him repeatedly into a wall with protruding brick work, called him an idiot fifteen times, refused a calm request to unzip his jacket with the words "I am in control here, you are not in control". PC Farok pressed and lifted the handcuffs while he cried out "why are you hurting me", and then swung him by the jacket face first onto the pavement with no means of breaking his fall.*

3) *The purported resistance on which PC Farok relies was the product of his own conduct. It was PC Farok himself who escalated events with persistent pushing, insults and handcuff manipulation. PC Farok's conduct was causative of the "loop" Mr Millward describes in which the subject feels pain, pushes back, and the push is treated as resistance.*

4) *PC Charmling could not say what had changed when PC Farok returned and commenced the search of Mr Ghebre-Hiwot. PC Charmling acknowledged that while she held Mr Ghebre-Hiwot alone "he seemed okay". The footage answers that question. The takedown was not a split-second reaction: it was foreshadowed by "do you want me to put you on the floor?" at 13:55:39, more than a minute before it was executed at 13:56:57.*

21. **The case for PC Farok was summarised by Mr Khan in his written submissions, this included the following:**

1) *After giving evidence, PC Farok reflected on what happened and the questions put to him particularly by the Panel. It is clear to him now that he should have handled matters differently and he has reconsidered what the evidence now fairly supports. However, in putting forward a new account of the incident PC Farok's evidence about what he believed at the time remains his evidence.*

2) *There are really three questions running through this case. What was happening during the search? What did PC Farok believe was happening, and was that belief genuine? And, whether or not his concerns were genuine, was the force he used reasonable? Keeping those questions separate is the key to a fair decision.*

The evidence and the developing situation

3) *The starting point is a lawful detention and a lawful section 1 search for stolen property. That is not in dispute. The original call did not report a weapon or violence. I make no suggestion that the officers arrived armed with information of a weapons threat. They were responding to a report of a man being found in somebody else's vehicle.*

4) *PC Farok was driving and PC Charmling was the operator. When they arrived, the vehicle owner pointed out the man she said had been in her car. PC Farok detained him. He should have obtained clearer information from the people at the scene and should have communicated better with Mr Ghebre-Hiwot. When the Chair challenged him about leaving the detained man to speak briefly to the others but obtaining little useful information, he accepted that criticism.*

5) *The search was nevertheless incomplete. PC Farok says he was conscious that somebody reportedly involved in entering a vehicle might have a tool or implement on him. That was a possible safety concern, not intelligence that Mr Ghebre-Hiwot was carrying a weapon. I ask you to keep those matters distinct.*

6) *The body worn video is central evidence, and where it contradicts PC Farok's account it cannot be put aside. But it cannot record what an officer feels through his hands: muscular tension, pushing or pulling, or pressure through handcuffs. That does not mean that any claimed sensation must be accepted. It means the video must be considered alongside the other evidence.*

7) *That is why PC Charmling matters so much. She was not brought here as a defence witness. In her same-day statement she described Mr Ghebre-Hiwot moving, pulling and resisting the officers' grip. She also said that the wall restraint and the*

handcuffs were not achieving the control she thought necessary. Her evidence is independent of PC Farok's later explanations.

8) *PC Charmling did not claim to have seen a hand moving towards the waistband, and I do not suggest she did. What she did say was that she experienced physical movement and resistance herself. She also recorded that, at the time, she agreed with the decision to move towards a ground restraint. That is a particularly important part of her evidence.*

9) *I accept that Mr Ghebre-Hiwot was initially relatively calm. I also accept that some movement may have been a response to pain caused by the cuffs or the wall. Not every movement is aggression. But it is equally wrong to assume that, because he was initially calm, no resistance developed later. That is not PC Charmling's account.*

<u>PC Farok as a witness</u>

10) *It was accepted that PC Farok did not always give good answers. Some were too long, some were defensive, and sometimes he appeared to be searching for a clear recollection he did not have. There are inconsistencies which genuinely matter. However, the Panel were invited not to treat every inconsistency as proof of a lie. He was being asked, more than two years after a short and difficult encounter, to explain precise movements and decisions which have since been examined in statements, an IOPC investigation, criminal proceedings, expert reports and this hearing. That history does not excuse a false account. It does mean you should examine each difference carefully before deciding what it proves.*

11) *PC Farok may have been an imperfect historian. That does not necessarily make him a dishonest one. You can reject a particular detail without rejecting every part of his account. In particular, please test what he said against the documents made at the time, against the footage, and against PC Charmling's independent evidence. The Panel were also reminded that PC Farok is entitled to both limbs of good character. There are no previous findings of misconduct or gross misconduct which is relevant when deciding whether a disputed or changing account is a deliberate fabrication.*

12) The Panel were reminded that the final question to PC Farok from the Panel was whether he regretted the way he treated Mr Ghebre-Hiwot. He said he did. He struggled to explain himself, said that he had not intended to cause the injury and that he could have performed much better, and became upset. It was not suggested that emotion proves his account, or that regret excuses what happened. But the Panel saw a man affected by the consequences. That is worth remembering when considering the suggestion that he simply did not care.

Allegation of fact (i): PC Farok failed without good reason to attempt to build a rapport with Mr. Ghebre- Hiwot or ask basic questions of him.

22. PC Farok now accepts that he failed to build a proper rapport with Mr Ghebre-Hiwot and that he failed to communicate properly and ask basic questions. Specifically, he admits that he handcuffed Mr Ghebre-Hiwot before any meaningful conversation, did not ask his name, and failed to follow up information offered by Mr Husseyin. However, PC Farok does not accept that his failure to communicate was without good reason. It was submitted by his counsel that the context was relevant in that he was carrying out a lawful search after an immediate call. However, it was not explained why this context supported a finding that PC Farok had good reason for his failure to build a rapport.

23. It was submitted on behalf of the AA that PC Farok's admitted failure to build a rapport with Mr Ghebre-Hiwot was without good reason. PC Farok was dismissive of Ms Manigan, when she approached the police vehicle to explain what had happened, telling her to calm down, and he also cut short Mr Husseyin's attempt to impart information that was relevant to any risk assessment. He applied handcuffs to Mr Ghebre-Hiwot before asking him any questions; in particular he didn't even ask what his name was.

Panel determination

24. The Panel noted that the only issue in dispute in relation to this allegation of fact is whether PC Farok's failure to build a rapport with Mr Ghebre-Hiwot was without good

reason. In determining this issue, the Panel had regard to Mr Millward's evidence that communication should be the primary tool, that the 5-Step Appeal was not used effectively and that early compliance called for calmer communication to maintain it.

25. The Panel found that it was clear from the BWV that Mr Ghebre-Hiwot was behaving in a calm, polite and non-threatening manner when he was first approached by PC Farok. He placed his hands together in a praying motion and said "thank you". He offered no resistance when he was placed in handcuffs by PC Farok. Mr Ghebre-Hiwot did not present as a flight risk and indeed PC Farok was aware that he had been found in a car and detained at the scene by the owners for several minutes before the officers arrived on the scene.

26. The Panel concluded that there were no distractions or circumstances in play, that could reasonably justify PC Farok's decision not to communicate properly with Mr Ghebre-Hiwot, the Panel therefore found, on the balance of probabilities, that PC Farok had failed to build a rapport with Mr Ghebre-Hiwot and ask basic questions without good reason.

Allegation of fact (ii): PC Farok pushed Mr. Ghebre-Hiwot against a wall with protruding brickwork, in circumstances where it was not necessary, proportionate or reasonable to do so.

27. It was submitted on behalf of PC Farok that he accepted that he pushed Mr Ghebre-Hiwot against the wall repeatedly, that the ninth (and final) push was harder than the preceding pushes and that he had not during oral evidence satisfactorily explained why that was the case. It was also accepted in these circumstances that the Panel may find that the later pushes involved excessive force, but the Panel were invited to conclude that not every push was unnecessary, disproportionate or unreasonable.

28. PC Farok's evidence in respect of this allegation of fact is that he was pushing Mr Ghebre-Hiwot into the wall in order to create distance to prevent him from lashing out. PC Farok was asked by the Panel to explain how he thought he was gaining space between himself and Mr Ghebre-Hiwot when on his own admission he was standing in a fixed position and pushing Mr Ghebre-Hiwot into a fixed wall. PC Farok was unable to provide an answer.

29. It was submitted on behalf of the AA that PC Farok's explanation did not hold water. Firstly, because pushing a subject against an inanimate wall does not create distance and secondly because there were no reasonable grounds for forming the opinion that Mr Ghebre-Hiwot would lash out. It was also submitted that PC Charmling's BWV clearly shows that Mr Ghebre-Hiwot was repeatedly pushed into protruding brickwork at the corner of the building and not into the "flat smooth surface of the door" as asserted by Mr Carvalho.

Panel determination

30. The Panel found this allegation of fact proved in its entirety on the balance of probabilities for the reasons detailed below.

31. The Panel have already found that Mr Ghebre-Hiwot was compliant, calm and polite when he was placed in handcuffs by PC Farok. The BWV also shows that Mr Ghebre-Hiwot remained compliant and calm when he was directed towards the wall by PC Farok and when the officer conducts the initial search of his clothing and pockets. PC Charmling's BWV shows that Mr Ghebre-Hiwot remained still and compliant while PC Farok left her alone with him. Specifically, PC Charmling is seen to have one hand resting on Mr Ghebre-Hiwot's arm/handcuff and she is seen to briefly let go of him while she puts on her glove. Mr Ghebre-Hiwot does not move his hands. At one point he turns his head slightly to the left, and PC Charmling places her hand on his shoulder and tells him politely to turn back toward the wall and Mr Ghebre-Hiwot complies with this request.

32. Further, in oral evidence PC Charmling accepted that Mr Ghebre-Hiwot had been compliant while she was alone with him, and that he had stopped being compliant when PC Farok returned, but she was unable to give an explanation as to why this was the case.

33. In light of the above circumstances the Panel found on the balance of probabilities that there were no reasonable grounds for PC Farok to have formed the opinion that Mr Ghebre-Hiwot was likely to lash out, on the contrary in the opinion of the Panel Mr Ghebre-Hiwot's behaviour strongly suggested that he was likely to continue to remain

calm and comply with the requests of the officers. The Panel, therefore, found on the balance of probabilities that all of the admitted pushes were undertaken in circumstances where it was not necessary, proportionate or reasonable to do so.

Allegation of fact (iii): PC Farok repeatedly told Mr. Ghebre-Hiwot to stop resisting but unreasonably failed to respond or explain when asked by Mr. Ghebre-Hiwot how he was supposed to be resisting.

34. PC Farok accepts that he repeatedly said "stop resisting" and unreasonably failed to explain what he meant when asked. He accepts that Mr Ghebre-Hiwot asked him how he was resisting and that Mr Ghebre-Hiwot was entitled to a clear answer that identified what movement he wanted stopped. It was submitted PC Farok was simply poor at explaining what he called resistance, but it was not an admission that Mr Ghebre-Hiwot was not resisting.

Panel determination

35. The Panel noted that this allegation of fact made no reference to whether Mr Ghebre-Hiwot was actually resisting; therefore, this allegation of fact was found proved by way of admission. The question of whether Mr Ghebre-Hiwot was actually resisting PC Farok is considered below.

Allegation of fact (iv): PC Farok repeatedly referred to Mr. Ghebre-Hiwot as an "idiot", in circumstances where it was disrespectful and degrading to do so.

36. It is alleged by the AA that PC Farok used the word "idiot" 15 times and that this was clearly disrespectful and degrading in all the circumstances of this case. The Panel found this allegation of fact proved by way of admission.

37. PC Farok accepts this allegation in full; he had always accepted that he used the word idiot repeatedly, but following the conclusion of the evidence, he now also accepts that his use of this word was disrespectful and degrading. He also accepts a limited failure of self-control in his language.

Allegation of fact (v) PC Farok told Mr. Ghebre-Hiwot not to look at him and face the wall, in circumstances where it was disrespectful, unreasonable and unnecessary to do so.

38. The Panel found this allegation of fact proved on the balance of probabilities for the reasons detailed below.

39. The Appropriate Authority accepts that an instruction to look away is, in general, within expectations. However, it was submitted that the instruction was repeated, enforced by turning him and pushing him back into the brickwork, directed at a man trying to tell the officer about his pain, and preceded by Mr Ghebre-Hiwot saying *"don't worry, I'm not going to look at them"*; therefore, in the circumstances of this case the instruction was disrespectful, unreasonable and unnecessary.

40. PC Farok accepts giving the instruction, it was submitted that there is a recognised safety reason for that direction during a close- quarters search. It was recognised that the tone in which the instruction was given might give rise to criticism by the Panel, but it was asserted that the direction itself was for a tactical purpose.

Panel determination

41. The Panel accepted that asking a suspect to face the wall while being searched is a recognised police technique. However, the Panel found that it was disrespectful, unreasonable and unnecessary to use this technique in the circumstances of this case. Mr Ghebre-Hiwot had been calm and compliant and had stood with his face towards the wall as directed, up to the point when PC Farok started to apply pain and push him face first towards the protruding corner of the brick wall, while at the same time ordering him to face the wall.

42. The Panel found that Mr Ghebre-Hiwot was not a flight risk, he had not displayed any verbal or physical aggression, in the presence of PC Farok (or at all) and he had clearly stated that he was not going to look at the owners of the car. In the opinion of the Panel, ordering Mr Ghebre-Hiwot to face the wall in these circumstances was both unnecessary and unreasonable and the way the direction was given was also disrespectful. The Panel therefore found this allegation of fact proved in entirety on the balance of probabilities.

Allegation of fact (vi): PC Farok unreasonably refused a request from Mr. Ghebre-Hiwot that his jacket be unzipped.

43. It was submitted on behalf of the AA that there is no dispute that Mr Ghebre-Hiwot's jacket was not unzipped and that at 13:55:13 Mr Ghebre-Hiwot asked calmly for the jacket to be unzipped, which he could not do while handcuffed. PC Farok asked why he was shouting and said: "*at the moment I am in control here, you are not in control, simple as that*". PC Farok now accepts that Mr Ghebre-Hiwot was not shouting. Mr Millward's evidence is that a request that does not compromise the task should be met, and that this was the initial flashpoint.

44. PC Farok accepts that he refused Mr Ghebre-Hiwot's request to unzip his jacket, he also accepts that his response was dismissive and poorly explained. However, he denies that the refusal was unreasonable because the search was incomplete and PC Farok was concerned about manipulating clothing before he knew what was beneath it.

Panel determination

45. The Panel noted that the only issue to be determined in respect of this allegation of fact was whether the refusal to unzip the jacket was unreasonable. The Panel found that the manner in which PC Farok responded to Mr Ghebre-Hiwot was inappropriate and disrespectful, however, the Panel accepted that it was not unreasonable to refuse the request on the basis that the officer wanted to complete the search of suspect first. The Panel therefore found this allegation of fact not proved on the balance of probabilities.

Allegation of fact (vii): PC Farok deployed a "pain compliance technique" that was not necessary, proportionate and reasonable in all the circumstances, namely twisting the handcuffs when Mr. Ghebre- Hiwot attempted to turn and speak to him.

46. It was submitted on behalf of the AA that there was no dispute that PC Farok took hold of and moved the handcuffs. PC Charmling released the handcuffs to him at 13:56:40; her BWV from 04:11 shows PC Farok holding the cuff body, pressing it into Mr Ghebre-Hiwot's back and lifting, repeatedly, while saying "*stop resisting"* and

"stop being an idiot". Mr Ghebre-Hiwot asks, "*why are you hurting me?".* When Mr Ghebre-Hiwot says the cuffs were painful, PC Farok said that if he stopped being an idiot he would readjust them and then pushed him towards the wall again.

47. Mr Millward's evidence is that the hybrid position of the handcuffs deployed by PC Farok hyperextends the shoulders and loads the wrists. He described the pain that ensues as "excruciating". PC Farok knew that the handcuffs were causing pain and used the same as leverage. Mr Ghebre-Hiwot's capability to resist was low because he was handcuffed to the rear, and so the infliction of pain was neither necessary nor proportionate.

48. PC Farok accepts that he deliberately manipulated the rigid handcuffs to cause discomfort in an attempt to obtain compliance; he denies that the technique was unnecessary, unreasonable or disproportionate throughout its use, but accepts that the Panel may find that using or continuing the technique was unreasonable.

Panel determination

49. The Panel found this allegation of fact proven in its entirety for the reasons detailed below.

50. The Panel noted that in oral evidence PC Farok stated that he chose to apply the handcuffs on Mr Ghebre-Hiwot in the hybrid position and that he was aware that this method caused more pain to a suspect than the usual stacked position. PC Farok also accepts that he deliberately manipulated the rigid handcuffs to cause pain in an attempt to cause compliance. In evidence he also asserted that he had continued to inflict pain using this method because Mr Ghebre-Hiwot was resisting his command to "*stop resisting*" by tensing his muscles and pushing back against him. In response to a question from the Panel PC Farok accepted that the tensing of muscles was a natural response to being caused pain.

51. Having already found that Mr Ghebre-Hiwot was compliant, polite and non-aggressive when PC Farok arrived at the scene and decided to place handcuffs on him, the Panel

found that there was no reasonable explanation for PC Farok's decision to cuff Mr Ghebre-Hiwot in a manner that would cause him additional unnecessary pain. Further, in the opinion of the Panel there was even less justification for PC Farok to start to employ a pain compliance technique that was likely to cause what Mr Millward described as "excruciating" pain to a fully compliant and handcuffed suspect.

52. The Panel agreed with the submission made on behalf of the AA that the purported resistance on which PC Farok relies to justify his use of force was the product of his own conduct. Mr Ghebre-Hiwot had been calm and compliant when he was alone with the "5*ft 2 inch*" PC Charmling. It was PC Farok who escalated events with persistent pushing, insults and handcuff manipulation. PC Farok's conduct was causative of the "loop" Mr Millward describes in which the subject feels pain, pushes back, and the push is treated as resistance.

53. Mr Ghebre-Hiwot's requests to be told how he was resisting were ignored by PC Farok, as were his complaints of his shoulders and arms hurting. PC Farok just kept on pushing Mr Ghebre-Hiwot towards the protruding wall before finally forcefully pushing Mr Ghebre-Hiwot's face into the corner of the wall causing him to cry out in pain. In the opinion of the Panel given the force used on this ninth push, it is quite possible that the laceration to his face may have been caused by this contact rather than his subsequent contact with the ground. However, irrespective of whether the injury was caused by the wall or the ground the Panel were satisfied on the balance of probabilities that PC Farok had lost control, and that using the pain compliance technique on Mr Ghebre-Hiwot was unnecessary, unreasonable and totally disproportionate in the circumstances of this case.

Allegation of fact (viii) PC Farok threw Mr. Ghebre-Hiwot to the pavement, in circumstances where it was not necessary, proportionate or reasonable to do so, and caused Mr. Ghebre- Hiwot to sustain a laceration to his forehead

54. PC Farok accepts that he initiated the "takedown", that he lost control of Mr Ghebre-Hiwot's descent to the floor and that he caused him to sustain a head injury. He accepts that the takedown was poorly executed but denies that the decision to take Mr Ghebre-Hiwot to the ground was not justified. He denies deliberately throwing Mr Ghebre-Hiwot to the ground to punish him. It is also accepted that PC Farok has given

contradictory accounts in respect of initiating the takedown. PC Farok's first statement said that PC Farok had "*seen*" Mr Ghebre-Hiwot's hand moving towards his waistband, possibly to retrieve something concealed, this was changed after viewing the video to he "*felt*" the hand moving and thought he saw the cuff loosen.

55. It was submitted on behalf of the AA that the hands of Mr Ghebre-Hiwot were last visible at 13:56:52. After that his coat covered his hands and cuffs, and no movement is seen under the coat that is consistent with Mr Ghebre-Hiwot's hand going to the waistband. PC Farok said nothing about hands, waistband or weapon at the scene. At 13:56:57. PC Farok took the shoulder of the jacket in his left hand; his right hand was still on the cuffs and swung Mr Ghebre-Hiwot sharply to the right; he landed face down with no means of breaking his fall.

56. Mr Millward describes a *"dynamic takedown that uses high rotational force and balance displacement"*, with a high risk of injury and absent from all PPST and MPS material. PC Farok's own prepared statement accepts that *"my delivery was poor"*. PC Farok asked Mr Ghebre-Hiwot if he wanted to be taken to the floor at 13:55:39 over a minute before he throws Mr Ghebre-Hiwot to the floor, which shows that the takedown was contemplated, and undermines the *"split-second decisions"* defence relied on by PC Farok. Further PC Charmling stated that the reason for the takedown was so that the search could be completed which contradicted PC Farok's account of a possible concealed weapon.

57. The Panel also found that the video evidence does not support PC Farok's assertion that he was dealing with a dynamic and fast-moving situation.

Panel determination

58. The Panel found this allegation of fact proved on the balance of probabilities for the reasons detailed below.

59. The Panel noted that both experts agreed that the takedown method deployed by PC Farok is absent from all PPST and MPS material. In oral Evidence Mr Millward confirmed that the technique deployed would not be mandated because of the high risk

of injury to the suspect's head due to the suspect's hands being handcuffed behind their back with no ability to break their fall. In the opinion of the Panel such a high level of force would only be necessary, reasonable and proportionate to address a high risk of harm.

60. The Panel found that PC Farok's accounts of seeing then feeling Mr Ghebre-Hiwot's hand move towards his waistband lacked plausibility. PC Farok clearly had hold of Mr Ghebre-Hiwot's handcuffs at the relevant time, and he admits that he was manipulating the cuffs and pushing Mr Ghebre-Hiwot towards the wall; therefore, in the opinion of the Panel, it was highly improbable that Mr Ghebre-Hiwot was able to overcome the control and pain that he was enduring and reach for his waistband. The Panel noted that PC Farok was unable to provide a satisfactory answer as to why he didn't press his emergency button or seek PC Charmling's assistance in taking Mr Ghebre-Hiwot to the ground. The Panel also noted that PC Farok made no reference to Mr Ghebre-Hiwot reaching for a weapon to the officers who arrived at the scene, in the opinion of the Panel, if PC Farok believed that Mr Ghebre-Hiwot had a weapon he should/would have apprised the attending officers of this fact immediately.

61. The Panel concluded in light of these facts that it was more likely than not that PC Farok fabricated his suspicions about Mr Ghebre-Hiwot reaching for his waistband to justify throwing Mr Ghebre-Hiwot to the ground in such a forceful, uncontrolled and dangerous manner. Having, already concluded that PC Farok's conduct had created the alleged resistance attributed to Mr Ghebre-Hiwot it follows that the Panel found on the balance of probabilities that when PC Farok threw Mr Ghebre-Hiwot to the ground the force used was unnecessary, unreasonable and disproportionate.

Allegation of fact (ix): PC Farok unreasonably and disrespectfully continued to shout "stop resisting" after Mr. Ghebre-Hiwot lay motionless on the ground.

62. PC Farok accepts that Mr Ghebre-Hiwot was not resisting immediately after the fall and that continuing to say "*stop resisting*" was unreasonable and disrespectful. The Panel therefore found this allegation of fact proved by way of admission.

BREACH OF STANDARDS

63. Having found all of the particularised allegations of fact proved apart from allegation (vi), the Panel went on to consider whether PC Farok's conduct breached the professional standards alleged by the AA namely:

    Use of Force

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

    Authority, Respect and Courtesy

    "Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

    Police officers do not abuse their powers or authority and respect the rights of all individuals."

64. The Panel's findings in respect of allegations of fact (ii) (vii) and (viii) all relate to PC Farok using unnecessary, unreasonable and disproportionate force. The level of force used caused Mr Ghebre-Hiwot considerable pain and an injury to his head, in circumstances that could have been life threatening. Therefore, the Panel found that PC Farok's conduct clearly breaches the Professional Standard of Use of Force.

65. The Panel's findings in respect of allegations of fact (iv) (v) and (ix) all relate to PC Farok using, rude, derogatory and disrespectful language or a failure to treat Mr Ghebre-Hiwot with respect. The Panel noted that PC Farok accepts that he breached this standard in respect of allegation of fact (iv) repeatedly calling Mr Ghebre-Hiwot an idiot and allegation (ix) by repeatedly asking Mr Ghebre-Hiwot to stop resisting while he was lying still on the ground. However, the Panel came to its own determination on basis of the facts found proved and determined that Mr Ghebre-Hiwot had been subjected to sustained rude, derogatory and disrespectful behaviour throughout the entirety of his interaction with PC Farok. The Panel therefore found that PC Farok's conduct in respect of these allegations of fact clearly breached the standard of Authority, Respect and Courtesy.

66. The Panel's findings in respect of allegations of fact (i) (iii) (v) and (vii) all relate to PC Farok's loss of control of the situation and of himself during his four minutes of interaction with Mr Ghebre-Hiwot, in the opinion of the Panel his conduct escalates from his initial decision not to build any rapport with Mr Ghebre-Hiwot, to the repeated

use of the word idiot to deploying a pain technique while ordering him to stop resisting. His motive for this loss of control is unclear, but what is clear from the video footage is that PC Farok's loss of control does not appear to be provoked or attributable to any behaviours by Mr Ghebre-Hiwot. The Panel therefore found that the Professional Standard of Authority, Respect and Courtesy had also been breached because of PC Farok's loss of control.

GROSS MISCONDUCT OR MISCONDUCT

67. The Panel next considered whether the breaches of the standards found proved amounted to gross misconduct, misconduct or neither. Misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the standards of professional behaviour 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.

68. In assessing the seriousness of PC Farok's conduct the Panel had regard to the College of Policing Outcomes Guidance (outcome guidance) which provides that Panels should assess the seriousness of the proven conduct by reference to the officer's culpability for the misconduct, the harm caused by the misconduct and the existence of any aggravating or mitigating factors.

69. In respect of culpability the Panel found that PC Farok's actions were deliberate and intentional, he chose to use a more painful hybrid technique when applying the handcuffs, chose to continuously apply an unnecessary pain compliance technique and ultimately decided to throw Mr Ghebre-Hiwot to the ground, without any regard to the obvious risk of serious harm to Mr Ghebre-Hiwot whose hands were cuffed behind his back when his head connected with force on the ground. PC Farok stated that he appeared to be a homeless man as soon as he saw him, and that he also suspected that during the incident Mr Ghebre-Hiwot was not understanding his commands and that he may have been under the influence of drugs. In the opinion of the Panel these factors

tend to suggest that Mr Ghebre-Hiwot was a vulnerable adult. In light of these factors the Panel determined that the level of PC Farok's culpability was high.

70. In respect of harm the Panel found that actual harm had been caused to Mr Ghebre-Hiwot, he was subjected to an unnecessary pain technique and incurred a laceration to his head and swelling to his eye area. The use of excessive force by police officers, always carries the risk of causing reputational harm to the police service. In this case, however, the shocked reaction of Mr Husseyin and other members of the public who watched PC Farok throw a handcuffed Mr Ghebre-Hiwot to the ground causing his head to bleed was obvious from the BWV footage and tends to suggest that actual reputational harm was caused by PC Farok's conduct. The Panel therefore determined that the level of harm in this case was also high.

71. The Panel found the following aggravating factors in this case:

- The conduct was repeated or sustained over 4 minutes
- The conduct continued after it was clear that Mr Ghebre-Hiwot was in pain
- Multiple breaches of the professional standards
- Attempting to blame Mr Ghebre-Hiwot for his conduct

72. The Panel found no mitigating factors that were relevant to their assessment of seriousness at this stage.

73. In light of the above findings the Panel concluded that the level of seriousness in this case was high. The Panel therefore determined that the breaches of the standards found proved amounted to gross misconduct.

OUTCOME

74. In determining the appropriate and proportionate sanction the Panel had regard to PC Farok's service record, the testimonials submitted on his behalf, the facts admitted and found proved, the submissions made on behalf the AA and PC Farok and the legal advice from the LQA. The Panel applied the three-stage procedure set out in the College of Policing Outcome 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.

75. Counsel for the AA provided written and oral submissions he submitted that the only appropriate outcome in the circumstances of this case given the Panel's findings and the Outcomes Guidance was dismissal without notice. It was submitted on behalf of PC Farok that he accepted the findings of the Panel and recognised the seriousness of the matters found proved. He genuinely regretted his actions towards Mr Ghebre-Hiwot and apologised for the harm caused to him and harm caused to the reputation of the MPS.

76. The Panel reconsidered its assessment of seriousness in light of the further submissions made. For the reasons already detailed the Panel found that the level of culpability and harm remained high. The Panel also reconsidered its assessment of aggravating and mitigating factors. The Panel did not identify any further aggravating factors.

77. In respect of mitigating factors, the Panel found that:
    - PC Farok had made admissions to allegation of fact (iv) and (ix) after all of the evidence had been called
    - PC Farok was of hitherto good character
    - In closing submissions for outcome, he expressed remorse for his conduct and the impact on Mr Ghebre-Hiwot.

78. The Panel could not give significant weight to the admissions and remorse expressed as they were given very late in the proceedings, therefore the Panel determined that the level of seriousness remained high.

79. 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.

80. In line with the Outcome Guidance at paragraph 7.4, the Panel considered the least severe outcome first. Police officers are entrusted with significant powers over members of the public, including the power to restrain individuals and, where

necessary, to use force. Those powers carry with them an equally significant responsibility to exercise them lawfully, proportionately, professionally and with restraint. That responsibility assumes particular importance when dealing with someone who is vulnerable.

81. PC Farok's behaviour fell far below the standards expected of an officer serving in the Metropolitan Police Service. The Panel found that Mr Ghebre-Hiwot displayed no aggression or resistance capable of justifying the force used by PC Farok, his pain related movements did not provide that justification, he was homeless and vulnerable. These circumstances required care, professionalism and restraint. Instead, Mr Ghebre-Hiwot was subjected to unnecessary force and degrading behaviour by an officer entrusted with significant powers over him, and in an attempt to avoid responsibility for his conduct PC Farok sought to place the blame for his conduct on Mr Ghebre-Hiwot.

82. PC Farok's conduct represents a profound departure from the expected professional standards of behaviour and has the clear potential to seriously undermine public trust and confidence in policing. This type of misconduct is serious and totally inconsistent with the values that the Metropolitan Police Service expects of serving police officers. Therefore, the Panel determined that a final written warning would be neither proportionate nor appropriate to address the seriousness of the misconduct found proved and to uphold high standards in policing and deter other officers from acting in a similar manner.

83. In these circumstances, the Panel concluded that the only appropriate sanction in this case was dismissal without notice.