

Accelerated Misconduct Hearing of PC Jamie Lewis and former PC Deniz Jaffer, held on 24th November 2021

Finding

I have had the benefit of the papers in advance of today and have read them carefully. I have listened to the case presented by the Appropriate Authority.

I have carefully considered the documentary evidence provided to me, including:

- The summary of what happened in the IOPC investigation report
- The statement certifying PC Lewis's and former PC Jaffer's pleas of guilty

I have also considered the letter sent on behalf of PC Lewis and former PC Jaffer, in which their solicitor explains that they have chosen not to make representations as to the finding or the outcome. I should explain that, as the Appropriate Authority pointed out, PC Lewis, who remains a serving officer, has a duty under regulation 54 at the very least to provide a written response as to whether or not he accepts that his conduct amounts to gross misconduct. I am disappointed that he has not done so.

The facts of this case are clear.

When deployed to a highly important and sensitive scene guarding duty, both former PC Jaffer and PC Lewis left their posts to take (and did take) pictures on their mobile phones of the bodies of the victims without authority and without a policing purpose. This is proved by the phone downloads and the statement of DI Green. I consider this to be a breach of the standards of professional behaviour relating to 'Discreditable Conduct', 'Authority, Respect and Courtesy' and 'Duties and Responsibilities'

When asked about this two weeks later, in a formal interview, PC Lewis said "I'm really confident that I didn't [take such pictures]." I find, on the balance of probabilities, that he knew he was lying when he said this because his comment is so improbable. I consider this to be a breach of the standards of professional behaviour relating to "Honesty and Integrity", 'Discreditable Conduct', 'Authority, Respect and Courtesy' and 'Duties and Responsibilities'

Both former PC Jaffer and PC Lewis shared imagery of the victims with others. In former PC Jaffer's case this included members of the public. This is proved by the phone downloads and their pleas of guilty to misconduct in a public office. Such sharing was carried out without authority and without a policing purpose. I consider this to be a breach of the standards of professional behaviour relating to

‘Discreditable Conduct’, ‘Authority, Respect and Courtesy’, ‘Confidentiality and ‘Duties and Responsibilities’

Both former PC Jaffer and PC Lewis were aware that they had no authority to do any of the above. Not least, this would have been explicit in all the training they would both have had. I consider their actions to be a breach of the standards of professional behaviour relating to ‘Discreditable Conduct’, ‘Authority, Respect and Courtesy’, ‘Confidentiality’ and ‘Duties and Responsibilities’.

Both former PC Jaffer and PC Lewis each used the disrespectful and derogatory term “dead birds” to describe the victims in communications sent to others including (in former PC Jaffer’s case) members of the public. This is proved by the phone downloads. I consider this to be a breach of the standards of professional behaviour relating to ‘Discreditable Conduct’, ‘Equality and Diversity’ and ‘Authority, Respect and Courtesy’.

Both were aware of the other’s actions in taking pictures of the victims and sending them to the other and both failed to challenge or report such actions. This is also proved by the phone downloads. I consider this to be a breach of the standards of professional behaviour relating to ‘Failing to challenge and report improper conduct’.

Both used a racially derogatory term, former PC Jaffer in a message to members of the public as regards a policing activity unrelated to the main case. Both failed to challenge or report such use of terminology. This is proved by the phone downloads. I consider this to be a breach of the standards of professional behaviour relating to ‘Equality and Diversity’, ‘Authority, Respect and Courtesy’ and ‘Discreditable conduct’.

Former PC Jaffer deleted relevant messages after following his suspicions as to actions being taken against PC Lewis. This is proved by the phone downloads. I consider this to be a breach of the standards of professional behaviour relating to ‘Discreditable Conduct’, and ‘Honesty and Integrity’.

On the 2nd November 2021 at the Central Criminal Court both former PC Jaffer and PC Lewis pleaded guilty to the offence of Misconduct in a Public Office and were bailed pending sentence. I consider this to be a breach of the standards of professional behaviour relating to ‘Discreditable Conduct’, in that such behaviour and the convictions that followed are likely to discredit the police service and undermine public confidence in it.

Because neither PC Lewis nor former PC Jaffer have made admissions of gross misconduct, there is a requirement on me to formally consider and if appropriate find these matters proven as gross misconduct and I do so as follows:

I have described how both PC Lewis and former PC Jaffer have breached all of the following Standards:

- Discreditable conduct
- Honesty and Integrity
- Authority, Respect and Courtesy,
- Equality and Diversity
- Confidentiality,
- Duties and responsibilities
- Failing to challenge and report wrongdoing

In considering whether such breaches amount to gross misconduct, I am taking all the breaches together rather than individually.

It will be obvious to all that behaving in this way and being convicted of misconduct in a public office, discredits the police service and undermines confidence in it, and constitutes a range of other breaches of Professional Standards at the gravest level.

But it is right that I make it very clear that I find the facts of this case proved on the basis of the evidence contained within the hearings bundles, including the records of the pleas and the convictions and that these facts amount to numerous breaches of the Standards of Professional Behaviour that are required of police officers.

I have reminded myself that gross misconduct is a breach or set of breaches of the Standards of Professional Behaviour so serious that dismissal would be justified.

Applying that definition, I find the matter proven as gross misconduct. Both PC Lewis and former PC Jaffer behaved in the manner described and can have been in no doubt whatsoever that this was hurtful, disrespectful, unprofessional, dishonest and criminal behaviour of the utmost seriousness at every stage. Their criminal convictions further reflect the gravity of the breaches of Professional Standards. Dismissal would be justified and I therefore find the matter proven as gross misconduct.

Outcome

Having considered the matter fully and having had regards to the nature and severity of the breaches of the Standards of Professional Behaviour, my decision is that PC Lewis is Dismissed without notice and, had he still been serving, former PC Jaffer would have been Dismissed without notice.

I would like to explain my rationale for that in detail now. But before I do so, I would like to say how sorry I am personally and on behalf of the Met that our officers behaved in such a hurtful, disrespectful, unprofessional, dishonest and criminal way. Their actions were shameful. My thoughts are with all who loved Nicole Smallman and Bibaa Henry and I deeply regret the additional pain and distress this matter has caused them.

Before this Hearing started today we took some time to reflect privately in honour of Nicole Smallman and Bibaa Henry, and in respect to all who loved them. Our thoughts remain with them. We are profoundly sorry.

I now return to my full rationale for my decision. The College of Policing Guidance on Outcomes in Police Misconduct Proceedings is a clear document that sets out the stages of the decision-making process. I have applied those Guidelines and that process to my decision-making today.

The first stage of deciding on the outcome is to assess the seriousness of the conduct. This covers the areas of an officer's culpability – that is, their blameworthiness or responsibility for their actions - the harm caused and any aggravating or mitigating factors.

The second stage is to keep in mind the purpose of the police misconduct regime. This has three elements:

To maintain public confidence in and the reputation of the police service,

To uphold high standards and deter misconduct, and

To protect the public.

The police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question.

I will also consider PC Lewis' and former PC Jaffer's record of service during this decision-making process.

At all times I must be aware of and adhere to human rights and equality legislation. That is, of course, part of my approach at all times as a police officer.

Every case is different and I have made my decision on the specific facts of this individual case.

I have started by assessing the seriousness of the conduct.

In terms of culpability, PC Lewis and former PC Jaffer knowingly and intentionally left their posts, potentially compromising a murder investigation, took photographs of the victims, shared them, used disrespectful language, and attempted dishonestly to evade blame. This was a course of conduct over several weeks. They had at every stage the option not to embark on this course of conduct and to move away from it and did not do so. They had at every stage the option to tell others about what was going on and did not do so. Both PC Lewis and former PC Jaffer were wholly responsible for their actions and their culpability is high.

In terms of harm, I have placed weight on four factors.

Firstly, in behaving as they did, PC Lewis and former PC Jaffer could have caused a crime scene and investigation to be compromised. Their thoughtlessness and lack of professionalism could have had very severe consequences.

Secondly, their disrespect has added to the appalling pain and grief suffered by those who loved Nicole Smallman and Bibaa Henry.

Thirdly, they have without question harmed public confidence in and the reputation of the MPS by behaving in an unprofessional, dishonest and discriminatory way that is so contrary to the Met's values and fell so very far below the standards we expect of all our officers.

And in addition, both have pleaded guilty to and been convicted of a criminal offence of the utmost gravity. Misconduct in public office involves the wilful neglect of duty and / or the officer wilfully misconducting himself to such a degree as to amount to an abuse of the public's trust in the office holder without reasonable excuse or justification. It is entirely unacceptable for police officers who are responsible for enforcing the law to break the law themselves. To commit misconduct in a public office undermines public trust in the most fundamental way.

Therefore the level of harm caused is very high.

Having described the harm caused in the way I have, I do not find other aggravating factors to take into account.

There are no mitigating factors. But I will mention here that PC Lewis did not share the images with members of the public, in contrast to former PC Jaffer who did.

I have reviewed PC Lewis's record of service, and note his role as part of an emergency response and patrol team after joining the MPS in September 2019. This was on transfer to the MPS from another force and I note that in all he has served in three forces in a range of roles. No earlier misconduct matters or letters of appreciation or commendations are noted during his MPS service. His Unit Commander would not wish to retain him at the Unit and his service record does not in any way mitigate the gravity of his behaviour.

I have reviewed former PC Jaffer's record of service, and note his role as part of an emergency response and patrol team after joining the MPS in March 2018 after a career in the financial sector. No earlier misconduct matters or letters of appreciation or commendations are noted during his MPS service. His Unit Commander would not wish to retain him at the Unit and his service record does not in any way mitigate the gravity of his behaviour.

I explained above that the decision making process has three stages. I now move to the second stage, which is to keep in mind the purpose of the police misconduct regime. As I mentioned before, this has three elements:

- To maintain public confidence in and the reputation of the police service,
- To uphold high standards and deter misconduct, and
- To protect the public.

In behaving as they did, and in being convicted of the criminal offence of misconduct in public office in respect of that behaviour, PC Lewis and former PC Jaffer have discredited themselves and the Metropolitan Police Service.

This was grave misconduct which undermines public confidence in policing as well as our reputation. The public would not have confidence in the MPS if we appeared not to take criminal convictions and such behaviour by police officers seriously, which would certainly be the case if I imposed any lesser sanction today.

In respect of the requirement for my decision to address the need to uphold high standards and deter misconduct, let me say first of all that PC Lewis's and former PC Jaffer's colleagues in the MPS and in wider policing are appalled by what they have done. But dismissal is necessary to demonstrate clearly the need for honesty, equality and professionalism from all our officers. I am glad that the behaviour was reported and trust that such reporting or challenge – if needed - would be very prompt in future.

Finally, the public could not possibly have confidence in PC Lewis or former PC Jaffer to protect them if they behave in this way.

And therefore as I move to the third stage of decision making, which is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question, it is obvious and it is my decision that nothing less than the dismissal of PC Lewis and the clear statement that, had he still been serving, former PC Jaffer would have been dismissed would fulfil the purpose of the police misconduct regime.

A handwritten signature in black ink, appearing to read 'Helen Ball'.

Assistant Commissioner Helen Ball QPM

24th November 2021