



From:	Chief Constable Richard Cooper
Ref:	Constable Adam Herwin.....
Our Ref:	
No:	
Date:	22 September 2026

FINDINGS and OUTCOME FORM

ACCELERATED MISCONDUCT HEARING – PC Adam Herwin

22 September 2026: Hindlip Hall, Hindlip Headquarters

In accordance with Regulation 63 of the Police (Conduct) Regulations 2020 (as amended), below listed are the findings and any disciplinary action imposed in the above case. This document must be supplied to PC Herwin before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.

Hearing members:

Chair: Chief Constable Richard Cooper

Details of the conduct alleged to have breached the Standards of Professional Behaviour:

1. Whilst on duty on 4th January 2026 you were involved in a call for service, following reports of a male suffering with a mental health episode in Shrewsbury which you attended in your capacity as a serving police officer. During this incident you assaulted, without cause or justification, said member of the public.
2. As a result of the assault referred to in paragraph 1 you appeared before Birmingham Magistrates Court on 8th July 2026 where you entered a guilty plea to an offence of assault by beating. On the same day you were given an absolute discharge.

It was alleged that the standards of professional behaviour breached are:

- Discreditable conduct
- Duties and responsibilities
- Authority, respect and courtesy
- Use of force

You have accepted in your Regulation 54 response that your conduct represents a breach of the standards of professional behaviour at the level of gross misconduct, therefore at a level where dismissal is justified.

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My task is therefore to determine the appropriate sanction, having considered all the material available to me and heard representations on behalf of the appropriate authority and on behalf of the officer.

I have considered the 2023 College of Policing Guidance on Outcomes in Police Misconduct Proceedings and the Home Office Guidance concerning Conduct, Efficiency and Effectiveness. The College Guidance outlines a general framework for assessing the seriousness of the conduct but permits me to consider factors that I consider relevant. I have adopted the three-stage process to assist my decision making. The first of those three stages is assessing the seriousness of the proven conduct with reference to culpability, the harm caused, and any aggravating and mitigating factors.

Although gross misconduct is admitted, I have still considered the seriousness of the conduct. The overall seriousness is a factor in my deliberations as to whether deviating from the presumption of dismissal would be justifiable, even if exceptional circumstances were to exist.

I will set out the main areas considered before exploring seriousness and exceptional circumstances in greater detail.

Harm

Harm was caused to [REDACTED] At the time of the incident, he was vulnerable, as many people who present as being aggressive are. No physical injury was caused to [REDACTED] and the assault was not of a forceful nature.

There is inevitable harm to public confidence of a police officer being convicted of assault against a member of the public. I have given particular consideration to the range of public opinion that would be likely expressed given the specific facts and full circumstances of this case.

PC Herwin's actions breach the principle of public trust that police officers are there to protect people from harm.

Culpability

There was no one else to blame for this gross misconduct. There was provocation, as I will explore, but PC Herwin was one of many officers at the scene but the responsibility for his actions lies with him alone.

Aggravation

The victim's vulnerability is an aggravating factor, as is the very obvious breach of training and instructions that PC Herwin demonstrates.

Mitigation

This is an incident of short duration that can accurately be described as a heat of the moment episode.

PC Herwin was received ongoing treatment and scanning for a serious medical condition and acknowledges that he was under stress at the time. This arose from

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factors pertaining to his then partner and his relationship status, his young child, and his vocational studies.

There was early acknowledgement of wrongdoing and remorse has been shown. PC Herwin took early actions to reduce harm caused by seeking to remove himself from the situation.

Exceptional Circumstances

I have considered the Regulation 62(1)(a) implications that the starting point is dismissal where gross misconduct is found unless under Regulation 62(1)(b) exceptional circumstances apply. The following are my considerations in respect of whether such circumstances do apply in this case.

a. The nature of the incident itself

An assault has been committed by a police officer on a member of the public. That member of the public had just caused serious self-harm and was drunk. I have watched PC Herwin's bodyworn video of the 90 minutes he and colleagues were at the address. [REDACTED] behaviour was occasionally erratic, with instances of anger but also of upset. He needed compassion and patience. At the time of the assault, whilst he was gesticulating confrontationally at PC Herwin, he was also on a treatment bed with straps around his legs.

I have regard to the nature of the assault. The extent of the force used was low and was a momentary single episode that the district judge has described as a tap rather than a slap. I agree that the former is a more accurate description. Whilst PC Herwin has lost his temper, he has not lost control in the sense of swinging violently or trying to injure [REDACTED]

The officer has received a criminal conviction for common assault. His sentence was an absolute discharge, which becomes spent on imposition.

Whilst it is accepted by PC Herwin that his conduct amounts to gross misconduct, and I concur, I have given consideration to the overall seriousness of the gross misconduct in reaching a judgment on sanction. In straightforward terms, it is much less likely that exceptional circumstances will justify deviation from dismissal when the conduct in question comfortably exceeds the threshold where gross misconduct is made out.

The assault came in the context of a brief verbal altercation between the officer and [REDACTED] who seems to have become frustrated by PC Herwin walking away from him and exiting the ambulance. The immediate catalyst was him accusing PC Herwin of 'having a tantrum' and calling him 'a fucking girl'. PC Herwin responded to this by re-entering the ambulance and telling [REDACTED] "Says the pathetic man that was crying to a girl in Denmark" ... "that's more important than your son who rang 999." PC Herwin shouts "You're a waste of fucking space" at [REDACTED] before striking him. He exits the ambulance and [REDACTED] then offers a stream of expletive-laden abuse towards PC Herwin. The confrontation lasts seconds.

I have considered the role that PC Herwin played during the totality of the incident that police were responding to. He was at the scene for over an hour and a half before the assault took place. During this time, he had little direct interaction with [REDACTED] Whilst inside the house he was not subject to abuse or threats by [REDACTED]

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In the immediate preamble to the assault, PC Herwin was outside the ambulance and entered it at the request of ambulance staff. PC Herwin did not seek out the altercation, which would otherwise have been a strongly aggravating factor. There was provocation from [REDACTED], but it was limited to the immediate seconds before the assault and was in keeping with what police officers experience frequently. That does not condone such behaviour towards officers. It does reduce any sense of exceptionalism about what PC Herwin was subject to, but the provocation is a consideration in determining the overall seriousness of the misconduct.

Having watched the bodyworn in its entirety, I adjudge that the ultimate cause of PC Herwin's loss of control was frustration on his part at what he perceived as [REDACTED] self-absorption at the expense of his child (see b. below). The cause was not provocation by [REDACTED]

b. Planning, targeting, and premeditation

It is submitted at paragraph 19 of the Regulation 54 notice that PC Herwin was trying to help [REDACTED] and his son and within that context he lost his cool in a single incident of brief duration.

I concur that this was not a planned, targeted, or premeditated act. The situation is not as straightforward as a single incident of brief duration, however. PC Herwin's bodyworn video reveals that over an hour before the assault he was already growing frustrated by [REDACTED] despite having little direct interaction with him.

At 27:42 PC Herwin states "I can't stay in there; he's fucking pissing me off" and took himself outside the property.

At 32:45 PC Herwin says "I'll say it on bodyworn, it's pissing me off that he's more worried about taking pictures, sending it to her, than he is his own 14-year-old son watching it. To this PC Herwin's colleague replies that [REDACTED] is "not in the right headspace" and is drunk.

At 43:45 PC Herwin is slightly argumentative with [REDACTED] about whether [REDACTED] wanted the door secured or not.

At 55:47 PC Herwin states "He's more interested in taking pictures of the blood to a girl that's in Denmark than he is his own son who's just sat there and witnessed all that."

I form the view PC that Herwin is consumed by the circumstances in which [REDACTED] son found himself. He spent time sitting with the boy, observing the impact of events on him, and is later told by another officer that upstairs is in a worse state and is covered in back mould that may be making the child ill.

c. Actions to Reduce Harm, and Remorse

There is an immediate recognition of failure. PC Herwin attempts to remove himself from the situation by speaking to other officers at the scene and acknowledging that he has lost his temper. He left the ambulance and went to talk to a colleague, saying "I lost my shit with him in the back of the van" and seeking to be excused from escorting [REDACTED] to hospital. His colleague tells him that he has to go.

PC Herwin subsequently raises what has happened with his sergeant and inspector at or near the first opportunity.

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PC Herwin keeps his distance from [REDACTED] whilst he is being treated at hospital but is required to be in relatively close proximity to offer support to his colleague. PC Herwin offers an apology to [REDACTED] at the hospital, saying to [REDACTED] he wants to apologise and that 'he put his hand out'.

PC Herwin admitted what he had done whilst being interviewed and pleaded guilty at court to common assault. He has expressed clear remorse for his actions.

In an attempt to reduce the likelihood of any recurrence, PC Herwin has sought counselling to address the stress that he was experiencing at the time.

d. Personal circumstances

This was the last shift of a set of six incorporating New Year's Eve, but PC Herwin had not worked excess hours during that set and nothing about his shift pattern was exceptional. It was the same as his Response colleagues across the force.

At the time of the incident, PC Herwin had a child aged 13 months who was teething and, as such, PC Herwin's sleep was being affected. This does present challenges but is a situation commonly encountered by police officers and is not, of itself, exceptional.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PC Herwin was a student officer of just under three years' service at the time. Comparatively speaking, this is not inexperienced. I note that he was completing a dissertation required of him for his training. Again, that is not an exceptional requirement but is a factor in me weighing the cumulative pressure that PC Herwin was under.

[REDACTED]
[REDACTED]

[REDACTED] Within the hearing PC Herwin stated that he broke down not long before the shift in question in front of another officer because of this. I do not disbelieve this, but I note that unlike other matters of mitigation, this was not set out in his interview or in his Regulation 54 response. I therefore do not give it the same weight as those factors that have been consistently espoused by PC Herwin as affecting his state of mind at the time.

Purposes of the Misconduct Regime

I have reflected on the purpose of the misconduct regime. It exists not be punitive but to:

- maintain public confidence in, and the reputation of, the police service
- uphold high standards in policing and to deter misconduct

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- to protect the public

I will address each of these in this case.

a. Public confidence and reputation

Paragraph 4.4 of the College Guidance states that the most important purpose of a disciplinary sanction is to maintain public confidence in, and the reputation of, the policing profession as a whole. There are competing factors in this regard.

The public must have confidence that police officers will act with self-control, and restraint. Constables are privileged to hold powers in respect of the deprivation of liberty and the use of force that go beyond those available to their fellow citizens. Public confidence, and the legitimacy in which those powers are seen, relies on constables not abusing or misusing their powers.

At the same time, I recognise the view that some members of the public will hold and was articulated by District Judge Qureshi, that an assault of this kind may not be something where dismissal is necessary for the purposes of public confidence. The DJ included the following in his sentencing remarks:

“It is unfortunate that [REDACTED] has not accepted your apology and wanted to pursue this matter. It was a tap and not a slap.

He was focused on the police instead of him attempting to commit suicide in front of his son...

...This was an unfortunate incident whilst trying to save [REDACTED] and calm him down.

I see no reason why the police should dismiss you. The Chief Constable will come to consider whether the police force should keep you. That is simply an observation for the Chief Constable to consider.”

I am of the opinion that many people would share the district judge’s view. I am equally confident that there are many who would consider that an officer assaulting a member of the public crosses a line that cannot be crossed.

As such, there will be mixed views amongst the public about PC Herwin’s conduct.

b. Upholding high standards in policing and to deter misconduct

It is relevant to my considerations that the immediate reaction of the colleague who observed PC Herwin’s actions was to say *“what the hell have you done that for? You’re going to lose your job over that.”* This officer conducted himself in an exemplary fashion throughout extended challenging interactions with [REDACTED] over several hours, both at the address and at the hospital. I interpret his observations as being ones of genuine shock at what PC Herwin had done. Officers know that conduct such as this is unacceptable, as does PC Herwin.

I must consider if dismissal is necessary for the maintenance of the standards that were shown, and clearly expected, by PC Herwin’s colleague.

c. Protecting the public

I have also reflected if dismissal is necessary to protect the public. In particular to protect the public from PC Herwin. I am concerned by the buildup of frustration that affected PC Herwin over the course of his time at the address, and by the fact that he loses control in the face of provocation that was not exceptional in the context of what officers might expect.

In representations to the hearing, PC Herwin and his legal representative maintained that this was completely out of character. There is no evidence to suggest this is incorrect. The character evidence that has been submitted on his behalf is not voluminous but is consistent in supporting the view that this behaviour was not emblematic of him.

There is no previous misconduct, but PC Herwin does not have a long history of policing service to assist me in determining that this was an aberration amongst many years of exemplary behaviour.

Sanction and Outcome

I agree with PC Herwin that his behaviour amounts to gross misconduct. This case has been properly and promptly brought to an accelerated misconduct hearing.

Whilst it is gross misconduct, it is not so grave that the behaviour itself renders dismissal essential rather than justified. I base this assessment primarily on the absence of a public confidence imperative for dismissal; the level of force used and its fleeting brevity; the circumstances of the incident that had led to the confrontation involving harm to a child; and to a lesser extent the provocation faced by PC Herwin.

The conduct remains completely unacceptable.

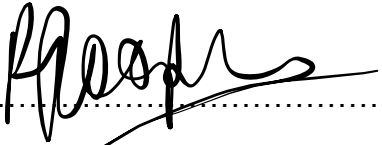
There are factors which, taken together, I consider do amount to exceptional circumstances. These are the serious health concerns that had been experienced, and were still being managed, by PC Herwin and his [REDACTED]; the status of his relationship with his partner; and the cumulative pressure and fatigue of shifts, a dissertation, and a young child who was not sleeping well. None of these in of themselves is singularly exceptional but collectively they represent the context in which PC Herwin attended an incident where a young teenager had witnessed their father cut his wrists and where much of that father's attention was on himself and his distant girlfriend.

I have also given mitigating weight to the immediate and sustained acknowledgment of wrongdoing by PC Herwin, and his attempts to limit further harm.

I believe that the purposes of the misconduct regime can be fulfilled through the imposition of a final written warning. Taking account of PC Herwin's comparatively limited service, and the fact that gross misconduct has been admitted and found, this final written warning will last for five years.

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I confirm that the above is correctly recorded. I also confirm that the officer's personal record was considered before a decision was reached on any disciplinary action to be imposed.

Signed: ... 

Date: 26 September 2026

Chief Constable Richard Cooper

If you wish to receive a copy of the record of the proceedings, please contact the Professional Standards Department.

You have a right of appeal against the finding. Should you wish to exercise this right you must do so in writing to the Chairman of the Police Appeals Tribunal within ten days of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the panel. You have the right to be legally represented at the appeal hearing.

Form of receipt to be completed by officer subject of proceedings:

I acknowledge receipt of this written notice of the misconduct proceedings, dated 2026 of which this is a true copy.

Signed.....

Date.....