

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

CONCERNING

FORMER PC 21775 HOGARTH

OUTCOME

1)The Panel must now determine outcome.

2)Outcome Approach

a. Having made its determination on the facts of the case and on finding gross misconduct regarding former PC Hogarth, the Panel moved on to consider outcome. The panel was provided with the officer's service record as personal mitigation.

b. The former officer provisions apply. The potential outcomes are provided in reg 42, as modified by para 32 of sch 1.

Paragraph 20.66 of the Home Office Guidance 2020 states:

-where there is a finding of gross misconduct, the panel can only consider two potential outcomes: disciplinary action or no disciplinary action.

- where there is a finding of gross misconduct and disciplinary action imposed it can only be that the former officer would have been dismissed if they had still been a member of a police force. If the panel determines that the matter does not justify the sanction that the former officer would have been dismissed, no action will be taken, and the finding of gross misconduct recorded.

c. Before a panel decides on the appropriate outcome, it must follow the same process that applies to serving police officers in arriving at what the appropriate sanction would have been.

3) In assessing the seriousness of this case, we are required by Fuglers LLP v SRA [2014] EWHC (as usefully summarised in the College of Policing Guidance) to keep at the forefront of our minds the purpose and objective of these proceedings, which is to maintain public confidence in and the reputation of the Police, uphold high standards, deter misconduct and to protect the public. We appreciate that the objective is not to punish the officer (although it may have that effect) and that we should therefore do no more (although also no less) than that which is necessary to satisfy the key objectives of the proceedings. We must (and we have) considered the seriousness of the misconduct, the purpose of sanctions and have chosen outcomes which most appropriately meets that purpose. Assessing the seriousness is to be approached in terms of the four factors set out in the Fuglers decision which we have carefully considered and will come onto in some detail in a moment.

4) Fuglers LLP v Solicitors Regulation Authority [2014] EWHC 179 (Admin), paragraph 29 states: 'In assessing seriousness the most important factors will be (1) the culpability for the misconduct in question and (2) the harm caused by the misconduct. Such harm is not measured wholly, or even primarily, by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover, the seriousness of the misconduct may lie in the risk of harm to which the misconduct gives rise, whether or not the risk eventuates. The assessment of seriousness will also be informed by (3) aggravating factors (e.g., previous disciplinary matters) and (4) mitigating factors (e.g., admissions at an early stage or making good any loss).'

5)The Panel have therefore followed the structured approach as set out in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings.

In summary, the Panel:

- Assessed the seriousness of the conduct and the behaviour of the officer by reference to 4 factors ((i)the officer's culpability for the misconduct; (ii) the harm caused by the misconduct; (iii) the existence of any aggravating factors; and (iv) the existence of any mitigating factors)

- Reminded itself of the purpose of imposing sanctions, namely:

Maintaining public confidence in and the reputation of the police service;

Upholding high standards in policing and deterring misconduct and protecting the public.

- Arrived at an Outcome which most appropriately fulfils the purpose of imposing sanctions in the light of the seriousness of the officer's conduct (that is, to act proportionately).

6)Culpability

We first assessed the culpability of former PC Hogarth arising from his conduct and specifically the following paragraphs within the College of Policing's Guidance on Outcomes:

a. Para 4.9 -Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

b. The Panel has found that former PC Hogarth's conduct was deliberate and intentional, therefore more culpable than conduct that has unintended consequences. The former officer did not merely fail to disclose information but altered the facts of the 2015 assault matter in order to minimise his involvement and to portray himself incorrectly in a significantly more favourable light.

The Panel finds the officer's culpability to be high. The conduct required conscious decision-making, was repeated across more than one incident, and was maintained.

c. Certain types of misconduct should be considered especially serious:

Operational dishonesty, impropriety or corruption

4.26 (CoP guidance) Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously

Whilst this was not a case of operational dishonesty in connection with a police operation, the Panel has found that the former officer knew that the vetting questions required disclosure of the information omitted or misrepresented and that on the balance of probabilities he was aware of the incidents that he failed to disclose. His conduct breached the Standard in respect of Honesty and Integrity.

In conclusion, we find former PC Hogarth's culpability to be high.

7)Harm

a. The College of Policing Guidance then addresses the harm caused by the officer's actions, indicating that this can be considered in various ways. The text refers to harm caused to particular individuals, but the guidance recognises that harm may also be caused on a wider basis:

“Where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.”

b. Harm was caused to the integrity of the vetting process, which was undermined. The police force was deprived of the opportunity to make an informed decision about the former officer's suitability for the role of a police officer.

c. How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time. As was stated by Popplewell J in the case of *Fuglers LLP V SRA* [2014] EWHC 179 (Admin) at [29] the harm caused by the misconduct is not measured wholly or even primarily by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover, the seriousness of the misconduct may lie in the risk of harm to which the misconduct gives rise, whether or not as things turn out, the risk eventuates.

The Panel has considered the scale and depth of local and national concern about the behaviour in question. Whether a matter is of local or national concern will be a matter for the person(s) conducting the proceedings based on their experience and the circumstances of the case.

The legitimacy and effectiveness of UK policing is built on relationships between the police and the public. Public confidence in policing is damaged where officers are dishonest in processes designed to ensure trustworthiness.

The Panel considers that dishonesty in vetting strikes at the heart of policing by consent. Vetting exists to ensure individuals can maintain public trust and uphold ethical and professional standards. Dishonesty signals a demonstrable lack of integrity and may indicate wider suitability concerns. An officer found to have acted dishonestly may be assessed as unsuitable for public-facing duties and any role requiring access to police systems.

Given the facts as found by the Panel, the risk of reputational harm to the police service is high.

8)The CoP Guidance then provides non-exhaustive lists of potential aggravating and mitigating factors.

a. The Panel considered the Guidance on Outcomes and reminded itself not to “double count” with matters already considered under culpability and harm. It concluded that the following additional aggravating features were present in this case:

- multiple proven allegations and/or breaches of the Standards of Professional Behaviour

- significant deviation from instructions, whether an order, force policy or national guidance, namely the College of policing App on vetting.

b. Mitigating factors:

The Panel has not identified any mitigating factors.

c. In conclusion, the Panel find the level of harm to be high.

Having considered culpability, harm, aggravating, and mitigating features the Panel concluded that this is a serious case.

9)The CoP Guidance addresses personal mitigation.

The Panel has had regard to former PC Hogarth's record of service and his personal mitigation

Regulation 42(14) of the Conduct Regulations requires the Panel to take account of the officer's personal mitigation, but the weight to be accorded to that mitigation: a) is less than it would be in a criminal trial; and b) is dependent upon the extent to which the officer's misconduct threatens the public confidence.

The Panel has noted the previously unblemished but unremarkable service history of former PC Hogarth.

10)Outcome

a. Having followed the steps above, the panel went on to choose the disciplinary action which most appropriately fulfils the purpose of imposing disciplinary action considering the seriousness of the conduct in question (bearing in mind the need to act proportionately).

b. With respect to the purpose of imposing disciplinary action in police misconduct proceedings:

- The primary purpose is to protect the public confidence in and the reputation of policing;
- The second purpose is the declaratory purpose of maintaining high professional standards by demonstrating to other officers that misconduct of a certain kind and/or a certain seriousness will be dealt with by disciplinary action of a certain severity; and
- The third purpose is to protect the public and/or officers and staff by preventing the officer from committing similar misconduct again by excluding them from the police service.

c. In *R (Green) v Police Complaints Authority* [2004] UKHL 6; [2004] 1 WLR 725, Lord Carswell stated at [78]: “Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded.” 256. Lord Bingham (when Master of the Rolls) had previously made the same point in relation to the solicitors’ profession in *Bolton v Law Society* [1994] 1 WLR 512. In explaining the apparent harshness of sanctions imposed by the Solicitors Disciplinary Tribunal he identified the purpose of such sanctions and said at p.518H (emphasis added): “The second purpose is the most fundamental of all: to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission. If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor, pending reinvestment in another house, he is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession’s most valuable asset is its collective reputation and the confidence which that inspires.

d. Mr Keenaghan, Counsel for the Appropriate Authority made the submission that the only possible sanction in view of our findings is that of dismissal without notice.

11)As the Panel has found the allegation proven to the level of gross misconduct, we consider it appropriate and proportionate to impose disciplinary action under reg 42.

12) In respect of former PC Hogarth we find that the appropriate sanction had he still been a member of the Police Force would have been that of dismissal without notice.

The Panel is also satisfied that the breaches of the standards, as we have found, would have been incompatible with his role as a Police Officer if he had still been in service and that 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 is appropriately served by the imposition of disciplinary action.

13)As a result of this Misconduct Hearing the following was found under Regulation 42(3) (b) and imposed with effect from the 12th February 2026:

“A finding that the officer concerned would have been dismissed if he had not ceased to be a member of a police force”.

As a consequence of this outcome former PC Hogarth will be placed on the College of Policing Barred List.

14) Right of Appeal

The Panel is required to notify former PC Hogarth that he has a right of appeal to the Police Appeals Tribunal.

To former PC Hogarth:

“You have a right of appeal against the finding and/or the outcome imposed at a misconduct hearing. You may only appeal on the grounds that: - a) The finding or disciplinary action imposed was unreasonable. b) There is evidence that could not reasonably have been considered at the misconduct meeting which could have materially affected the finding or decision on disciplinary action; or c) There was a serious breach of the procedures set out in the regulations or other unfairness which could have materially affected the finding or decision on disciplinary action.

Should you wish to appeal you must do so in writing to the appropriate authority, clearly setting out the grounds for the appeal within 10 working days beginning with the first working day after the receipt of the notification of the outcome of the misconduct meeting (unless this period is extended by the appropriate authority for exceptional circumstances)

The Appropriate Authority will provide you with a notice as to the procedure to be followed in that regard”.

Rachel Hartland-Lane-Chair
Natalie Williams-IPM
Rachel Proctor-IPM

12th February 2026

