



JUDICIARY OF
ENGLAND AND WALES

**THE QUEEN
-V-
KEITH WALLIS**

IN THE CENTRAL CRIMINAL COURT

6 FEBRUARY 2014

SENTENCING REMARKS OF MR JUSTICE SWEENEY

Keith Wallis you have pleaded guilty to an offence of misconduct in public office. At the material time you were a Constable in the Metropolitan Police and had been so for some 29 years. For the great majority of your service you were in the Diplomatic Protection Group – latterly as part of the North Sector team based at Apex House and on permanent restricted duties because of a degenerative physical condition affecting your lower back and knees. That base was shared with the Downing Street team of the Diplomatic Protection Group.

You admit that following an incident in Downing Street on the evening of Wednesday 19 September 2012 which involved Diplomatic Protection Group Officers (in particular PC Rowland) and the then Chief Whip Mr Andrew Mitchell MP, and after you had become aware of PC Rowland’s account of what had happened, you misconducted yourself by:

1. On 20 September 2012, before the story broke in the media, sending an email to your Member of Parliament Mr John Randall (who, as it happened, was at the time the Deputy Chief Whip) in which you falsely portrayed yourself as being an independent member of the public who, in the company of your nephew, had happened to be in the vicinity of and witnessed the incident - giving a version of it which was broadly consistent with PC Rowland’s account (in particular asserting that Mr Mitchell had sworn at the officers and called them plebs), praising the conduct of the officers and complaining about the conduct of Mr Mitchell – although saying that you did not expect anything to come of it.
2. On 24 September 2012, in a telephone conversation with Mr Randall (following earlier attempts by him to contact you) purporting to confirm that you had heard Mr Mitchell use the word ‘pleb’, and falsely asserting that you did not know anyone who worked in the police – albeit re-iterating that you did not want to take the matter any further.
3. Later on 24 September 2012 sending Mr Randall a second email keeping up the pretence of being an independent member of the public, and again purporting to confirm that you had heard Mr Mitchell use the word pleb, and that he had used foul language which was totally unacceptable – albeit stating that you did not think that Mr Mitchell should lose his job.

4. In the run up to a meeting with Mr Randall on 14 December 2012 (which was nearly two months after Mr Mitchell had resigned, and which followed earlier contact with Mr Randall during which you had maintained your pretence, and attempts by the press to interview you) persuading your nephew (who was in his early 20's) to attend and give a supporting account, which he did, with you repeating with emphasis at the meeting that both you and your nephew had been present, indeed that you must have been on CCTV, and that you had heard Mr Mitchell use the word pleb – such that Mr Randall believed that there was an “air of truth” in what you were saying.

5. After your meeting with Mr Randall, speaking that same day with colleagues in a way that caused them concern, but during which you told them the same false story of having been present and having witnessed the incident.

6. On 15 December 2012 following your arrest (after your emails and the relevant CCTV footage had been provided to the police and it had been discovered that you were a police officer) lying for almost one and a half hours in interview under caution by maintaining your account of having been present and having witnessed the incident.

It was only after it had been pointed out to you that the CCTV footage did not support your account that, in a further interview, you finally admitted the truth that neither you nor your nephew had been there, and that you had not witnessed the incident at all. You said that you had been under stress and drinking a lot; that (having heard colleagues talking about the incident) you were incensed about what had happened and the fact that Mr Mitchell had not been arrested because of who he was; that you had convinced yourself that you were there; that in a stupid naïve pathetic way you were backing up your colleagues; and that you now accepted that you had done the wrong thing and let everyone down – lying not only to Mr Randall but to your wife, your nephew, the Police Federation and the interviewing officers. You apologised to the Metropolitan Police and to your family for your misconduct.

You have entered a basis of plea the details of which the Prosecution either accept or do not dispute. I will sentence you in accordance with it. You do not dispute the essential facts that I have outlined. The basis underlines that, by the time of your guilty plea you had been a police officer for 30 years; that your father was a police officer before you; that you were not well at the time of the offence and had long concealed that fact; that your shift on 20 September 2012 ended at 2pm after which you drank a significant amount of alcohol before going home; that you had heard and overheard gossip and rumour about the incident during the course of your work that day; that you believed that Mr Mitchell had behaved outrageously towards the police; and that you were intoxicated when you wrote and sent the untruthful email that night – after which matters had begun to escalate and run out of your control, with you eventually becoming convinced that you had indeed been present.

In passing sentence upon you I am in no position to decide precisely what happened between the officers and Mr Mitchell in Downing Street (nor do I need to do so), but it is absolutely clear what did not happen - you were not an independent member of the public, you were not present, neither was your nephew, and neither of you witnessed the incident. Yet, over a total period of nearly three months you pretended to your Member of Parliament, and initially to the interviewing officers, that all of those things were true (including involving your nephew in the process). You gave an account which you knew supported a colleague in a high profile dispute when, in reality, you had no personal

knowledge whether that account was true or not - and albeit that there eventually came a time (in my view towards the end of the events that I have described) when you were convinced that you had been present.

This was thus sustained, and in significant measure, devious misconduct which fell far below the standards expected of a police officer. Indeed it was a betrayal of those standards, and was misconduct which as well as having had an impact on Mr Mitchell himself, has had a significant negative impact on public trust and confidence in the integrity of police officers.

Whilst the gravity of this type of offence can vary greatly, the correct broad approach to sentence is clear – police officers must be deterred from misconduct, and the public must be able to see that condign punishment will be visited upon police officers who betray the trust reposed in them.

Whilst accepting that broad approach, Mr Gibbs QC on your behalf invites me to take the following factors into account in mitigation – that you did not know any of the officers concerned in the incident; that you had pre-existing mental health issues and your life was unravelling; that you were angry and intoxicated when you wrote the first email; that (however unrealistically) you did not expect anything to come of it, or for anyone to contact you; that thereafter things got out of hand with the initiative being taken by others and things just getting worse and worse (albeit that you could have brought things to an end by telling the truth); that your lies were limited to your role as a witness; that you did not conspire with anyone to do anything and that no criminal charges have been brought against anyone else; that you did not intend to pervert the course of justice; that at the age of 53 (and approaching retirement) you have lost your good character and are bound to be dismissed from the Metropolitan Police in whose service you have hitherto found meaning in life; that your actions have also had an adverse effect on your family; and that (as the expert evidence shows) your mental health has deteriorated further such that there are serious concerns about the risk that you pose to yourself which may escalate in a custodial setting.

Mr Gibbs accepts that your offence crosses the custodial threshold, and that you yourself consider that you deserve an immediate custodial sentence, but submits that I should suspend the sentence with mental health and supervision requirements.

Whilst I have taken account of all the points that Mr Gibbs has advanced, I cannot agree with his final submission. In my view an immediate custodial sentence is required.

Applying the broad approach that I have indicated, and balancing the factors on either side, it seems to me that the appropriate sentence after a trial would have been one of 18 months' imprisonment from which I deduct one third to reflect your early guilty plea.

Keith Wallis the sentence that I impose upon you is one of 12 months' imprisonment. If not released earlier, you will serve half that sentence - after which you will be released on licence.