IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

Accelerated Misconduct Hearing in accordance with Part 5, Police (Conduct) Regulations 2020

(Pursuant to the applicable Police (Conduct) Amendments and Schedule 1)

DC 5559 Edward MITCHELL - Reference: CM/170/25

Introduction

The Accelerated Misconduct Hearing ('the hearing') concerning case reference CM/170/25 was held on 19 October 2026, at Lysander House, Bedfordshire.

This was a public hearing in relation to the above officer and the rationale for that position was recorded and provided to the PSD hearings manager.

The hearing was recorded and this is the written report I am required to produce after the hearing.

Role of the chair (2 Stages)

Stage 1

(A) First, determining the facts, based upon what is admitted by the officer, or proven on the balance of probabilities;

(B) Second, determining whether on the basis of those facts, the officer breached the Standards of Professional Behaviour alleged;

(C) Third, deciding whether any such breach, amounts to gross misconduct;

Stage 2

(D) Fourth, deciding what the outcome should be.

Attendance

DC Mitchell – The officer

Mr Ladenburg – Counsel for the officer

PS Bozward – Beds Police Federation

PS Bennett – The officers welfare support

Dr Wilcox – Counsel for the appropriate authority

Mr Tatum-Horsfield – Officer in the case

Ms Wilkerson – Hearings Manager

ACC Lukey – Hearing chair

Ms Chidley – Legal Adviser

Accelerated Misconduct Hearings (Special Conditions)

The AA had determined in accordance with Part 5 of the Police (Conduct) Regulations that:

(a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct, and
(b) it is in the public interest for the officer concerned to cease to be a member of a police force or a special constable without delay.

These are known as the special conditions and are the reasons why the Accelerated Misconduct Hearing was convoked.

The allegations were set out in the Regulation 51 Notice of Referral to an Accelerated Misconduct Hearing and accompanying documentation, within an evidential bundle, which I have seen and read.

The Allegations

It is alleged that the officer breached the following Standards of Professional Behaviour as set out in Schedule 2 of the Police (Conduct) Regulations 2020:

a. Orders and Instructions

b. Discreditable Conduct

It is contended that, if proven, the conduct below breaches the above Standards of Professional Behaviour.

On 25th September 2025, during a lawful search of the officer's home address following his arrest in connection with a separate investigation, a police-issued PSU baton was found in a bedroom and seized.

During a voluntary PACE interview on 18th December 2025, the officer accepted that the baton belonged to him and that it had remained at his home address for a prolonged period.

The officer retained possession of a police-issued baton at his home address after any lawful operational justification for doing so had ceased and without any identified authorisation or exemption permitting it continued storage there.

It is alleged that the above conduct, if proved, amounts to Gross Misconduct, namely a breach of the Standards of Professional Behaviour so serious as to justify dismissal.

The allegations were read into the record on behalf of the AA.

In response, on behalf of the officer, it was submitted that his conduct amounted to misconduct, and not gross misconduct.

Evidence

The Appropriate Authority assisted the hearing with an opening note setting out the allegations and evidence, which was summarised on behalf of the AA.

The evidence used to prove the facts in dispute is in the material served with the Regulation 51 Notice, to which the officer did provide a Regulation 54 response.

My approach was that I will not find the alleged conduct amounts to gross misconduct unless either; it is admitted that it is the case, or, I am satisfied, on the balance of probabilities (more likely than not), that gross misconduct has been proven on the material evidence.

The officer accepted in their Regulation 54 response that he had retained the baton at his home address without any authorisation or exemption to allow this. He accepted his conduct breached the standards of professional behaviour of Orders and Instructions and Discreditable Conduct, to the level of misconduct, not gross misconduct.

The officer accepted that having been legitimately issued with the PSU baton when he was an operational PSU officer, he should have returned it when this responsibility ceased. He accepted that had not returned the baton to police premises, when he knew he should have, and confirmed that from time to time, he became conscious that it was still there and should be returned.

The officer described personal challenges he experienced during the relevant time. This dictated he would be away from his home addresses for significant periods, as his young son was diagnosed with a life threatening cancer and underwent years of interventions to treat this. The officer's son passed away in December 2020, and the stress of his illness caused the officer and his wife to separate in 2016 and divorce in 2018.

The officer stated that within the context of what he was experiencing in the years that the baton was at his home address, returning it was not a priority. He appreciated that the baton's presence at his home address was in contravention of a force policy, which had come into effect, on 2nd September 2025, and accepted that it was an offence to have such an item in a private place, contrary to the Offensive Weapons Act 2019.

A. <u>Determination of facts</u>

Having carefully considered all of the relevant material provided, and what I heard in the hearing, I must determine the facts of the case, determine any breaches of the standards of professional behaviour, and then decide whether or not such breaches amount to Gross Misconduct.

I give due regard to Home Office guidance, Police (Conduct) Regulations, 2020, and the college of policing "Guidance on outcomes in police misconduct proceedings".

I find the allegations are proven on the balance of probabilities:

The officer accepted the alleged conduct, and that this breached both of the standards of professional behaviour alleged, to the level of misconduct, not gross misconduct.

The officer was legitimately issued the PSU baton, but it remained in his possession at two separate home addresses for a prolonged period of time.

It was accepted by the officer that he had not performed PSU duties for many years, and that he was conscious of the baton's presence in his bedroom, stating that from time to time, he intended to return the PSU baton but did not do so.

There was no operational or lawful reason for that to be the case.

The officer stated that he could not recall when he stopped being a PSU officer but accepted that significant time had passed. In interview, the officer accepted that the introduction of the Offence Weapons Act 2019, which was published in Bedfordshire Police General Orders in March 2021 and came into force on 14 July 2021, provided the offence of a possession of an offensive weapon in a private place and the PSU baton found at the officer's home address fell under one of the listed items.

The AA presented evidence that the officer had kept the PSU baton, an offensive weapon, at his home address for several years. The officer accepts that he knew it was there and had intentions of returning it but never did. These facts were not disputed by the officer.

B. Determination of whether the facts proven amount to a breach of the standards of professional behaviour

I find the following standards of professional behaviour have been breached:

- **Orders & Instructions** - *Police Officers only give and carry out lawful orders and instructions. Police Officers abide by police regulations, force policies, and lawful orders.*

The officer did not abide by the law, or policy, as conferred by the Offensive Weapons Act 2019, and BCH Carriage of Appointments Policy. He retained an offensive weapon without any lawful authorisation or exemption to do so.

- **Discreditable Conduct** - *Police Officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty. Police Officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice*.

  In order to prove a breach of the standard relating to discreditable conduct, it is not necessary to prove that actual discredit was brought to the police service; it is sufficient that the conduct had the potential to do so.

  I consider the circumstances of the officer's conduct and whether that conduct could be considered reasonable. The officer retained a police issued PSU baton, which is an offensive weapon, without any exemption or legitimate reason to do so at his home address. This is a criminal offence under the Offence Weapons Act 2019 and an officer committing this offence would not be considered reasonable in the eyes of fair-minded members of the public. The conduct is liable to undermine public trust and confidence in the police service, which underpins policing by consent and must be maintained.

C. Seriousness assessment

Having determined these breaches of the standards, I consider whether they constitute gross misconduct. I have regard to regulations 2(1) which states:

> ***"Gross misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal."***

I remind myself of the purpose of police conduct regulations:

1. **To maintain public confidence and the reputation of the police service**
2. **To uphold high standards in policing and deter misconduct**
3. **To protect the public**

In reaching a finding, I draw upon the College of Policing guidance on outcomes in police misconduct proceedings, following the steps described. The seriousness of the proven conduct, is assessed by reference to:

- the officer's culpability for the misconduct
- the harm caused by the misconduct
- the existence of any aggravating features
- the existence of any mitigating features

Culpability:

"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.

Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused... Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust, but their level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct."

- The AA does not suggest that the baton was kept for any operational, defensive, or other improper purpose, but this does not negate the seriousness of the officer's actions. The officer wilfully retained a police-issued offensive weapon for several years, knowing that any operational requirement or justification for its retention had long since ceased.
- Guidance on Outcomes in Police misconduct proceedings at paragraph 4.17 states *"it is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves."* The officer accepted the legislative changes of the Offensive Weapons Act 2019 and recognised that the PSU baton was an offensive weapon.
- The officer's choice to retain the baton and not return it was deliberate. He stated that from time to time he realised he should return it but he did not do so.

- The officer was in a position of responsibility as a trained PSU officer and therefore such a choice to retain the baton increases culpability.
- The officer could have reasonably foreseen the risk to the reputation of policing and their conduct undoubtedly undermines public confidence and trust.

Culpability here is high.

Harm:

"Harm does not need to be suffered by a defined individual or group to undermine public confidence. Misconduct that undermines discipline and good order within the police service, even if it does not result in harm to individual victims, should always been taken seriously."

- The officer's conduct undermines discipline and good order, and guidance is clear that I should take this seriously, even if it does not result in harm to individuals.
- I find that the officer could reasonably foresee the risk of harm, both in terms of a baton that is designed and intended to cause injury, not being returned, and to the reputation of policing.
- The officer said he had 'simply forgotten' where it was. With that in mind, should the baton have ever entered the wrong hands, the consequences are obvious to any reasonable minded person.

Harm here is high.

Aggravating factors:

- Two breaches of the Standards of Professional Behaviour are engaged.
- There is national concern regarding misconduct within policing.
- The conduct of the officer is a significant deviation from instructions, whether an order, force policy, or national guidance. Notwithstanding, the criminal offence under the Offensive Weapons Act 2019, the officer's conduct was not in accordance with the BCH Carriage of Appointments Policy and the professional expectation that PSU kit should be returned, when an officer is no longer accredited as such.

Mitigating factors:

I am conscious that I should not conflate mitigating factors with personal mitigation.

- I have seen evidence of insight and remorse from the officer. There are admissions made, as observed in the hearing, the voluntary interview and the officer's Regulation 54 response, where the officer accepted his conduct breached the standards of professional behaviour.

- The officer submits there was an absence of clear policy and guidance.

- The officer submits that the retention of the PSU Baton was an oversight and the baton did not leave the property or was ever witnessed by a member of the public.

Having considered culpability, harm, and factors which I find to have aggravated or mitigated the officer's conduct, as outlined above:

I find the officer's conduct is so serious as to justify dismissal and therefore record my finding of gross misconduct.

D. Outcome

I have found that the conduct of officer amounts to gross misconduct and disciplinary action shall follow.

In line with college of policing guidance, I have due regard to the most important purpose of imposing disciplinary sanctions, which is to maintain public confidence in, and the reputation of, the policing profession as a whole.

The purpose of professional disciplinary action is not punishment, but to maintain the reputation of the profession and thus public confidence.

I have kept in mind that I should choose the outcome which deals adequately with the issues identified, protects the public interest and have considered what is proportionate in this case.

I have given careful consideration to the articulate submissions of both parties, and whilst I recognise that the impact of personal mitigation will be limited, as is made clear in the college of policing guidance in police misconduct proceedings at paragraph 5.5, I am also cognisant that the same guidance provides, at paragraph 6.9, that *personal mitigation is always relevant and should be taken into account*.

I have considered culpability and harm in this matter to be high and have given due regard to factors that aggravate and mitigate the officer's conduct, remaining mindful that mitigating factors and personal mitigation shall not be conflated.

I have given regard to the College of Policing Guidance and paid attention regarding taking care to avoid double counting.

I have given regard to the officer's record of police service and I acknowledge his contribution to policing as outlined within that record.

The personal mitigation afforded by the officer however does not change the facts which are admitted or proven. I must balance this personal mitigation with the need to maintain public confidence and high standards in the profession, and remind myself of the approach to take:

In the case of R (on the application of Williams) v the Police Appeals Tribunal ((2016) EWHC 2708 (Admin)) Holroyde, J said that:

> *"The importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation…*
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> *This does not mean, of course, that personal mitigation is to be ignored…. On the contrary, it must always be taken into account…. But where the gross misconduct threatens the maintenance of public confidence and respect in the police – as gross misconduct often will – the weight which can be given to personal mitigation will be less than would be the case if there were no such threat and if the*

disciplinary body were a court imposing a punishment. The appropriate outcome will depend on an assessment of all the circumstances, with proper emphasis being given to the strong public interest in the maintenance of respect and confidence in the police and consequently less weight being given to personal mitigation."

In accordance with the Police (Conduct) Regulations 2020, amended by the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025, Regulation 62(1)(b), where I find that the conduct of the officer concerned amounts to gross misconduct, I must impose disciplinary action.

Such disciplinary action, subject to the provisions of Regulation 62, must be dismissal without notice, or, if I am satisfied that there are exceptional circumstances which justify it, a final written warning or reduction in rank.

It is not in question that the PSU baton was found at the officer's home address, having been there for a number of years, and this is an offence.

The hearing was told of the exceptionally challenging circumstances that the officer experienced during the relevant period, namely the long-term illness and death of his young son, as well as his separation and divorce from his wife.

Having seen and heard the evidence, I am satisfied that these circumstances are exceptional. I deem the circumstances so exceptional, as to justify an outcome of **a final written warning for the maximum period of 5 years.**

The final written warning is deliberately set for the maximum period available to me. This recognises the seriousness of the officer's conduct and meets the purpose of the police conduct regulations.

The officer will be notified in full detail and in writing of this outcome within 5 working days, along with details of their right of appeal.

Vaughan Lukey (Chair)

Assistant Chief Constable