

In the Police (Conduct) Regulations 2020

In the matter of PC Darren Bessell

Accelerated Misconduct hearing held on the 24 January 2025.

Chief Constable Alexander Franklin-Smith

Introduction

1. At the outset the Regulations 51 notice was read and PC Bessell admitted the facts as outlined in the notice, the breaches of standards of professional behaviour Confidentiality and Conduct and further admitted that the conduct as alleged was gross misconduct.
2. The allegations arise from PC Bessell providing confidential information, an ANPR check, to a family member and sharing photographs of police activity with a family WhatsApp group.
3. PC Bessell provided a response to the allegations in which he provided an account which was consistent with the evidence contained in the accelerated hearing bundle. He had made full admissions at an early stage in interview and apologised for his misconduct.
4. Prior to considering outcome the Chief Constable was provided with PC Bessell's service record, antecedents and testimonials in support.

Outcome

5. In reaching my decision on outcome I have taken account of the following:

With regards to Allegation 1

- I accept that the PC Bessell's family member had suffered a break in and the family had been threatened with knives and a car key had been stolen.
- PC Bessell when informed of these events described in his response 'going into police mode' and used his police issued lap top to complete an ANPR check on the vehicle.
- After a period of reflection, you accept that you should have followed the appropriate procedures, and these were procedures that you had in fact been trained in. In addition, when you use the system, and it was no different on this occasion, a warning note makes it very clear what is expected as to how the ANPR system should be used.
- The action in itself of conducting an ANPR search in response to a report of a stolen vehicle is the type of action I would expect a police officer to do in an effort to prevent and detect such a crime. However, the aggravating factor was that you did so in response to a report from a family member, who had in fact questioned, via text message, whether your actions were in fact appropriate. You ignored this helpful advice.

With regards to Allegation 2

- In my view there were 2 specific photos that gave me the greatest cause of concern. Firstly, the image that shows you sat in front of a whiteboard which held registration numbers of various stolen vehicles. Whilst the image itself is not necessarily the clearest, you shared this information outside of the policing environment and in doing so lost control of the handling of such information. I

do accept, having carefully considered your regulation response, that this was genuinely accidental and not an intentional act. I also accept you are a proud police officer who is equally proud to share your achievements with close family members. However in my view Data breaches of this sort are serious whether intended or not.

- Secondly, the photo of a live firearms incident where a firearm is being pointed at a member of the public. Had the member of public, or any other member of the public for that matter, known that footage of the incident would be shared outside of the policing environment, it is likely this would have damaged trust and confidence in policing and certainly have damaged trust and confidence in Warwickshire Police. I note the incident was in the public domain and other individuals, including members of the public, could well have captured footage of it themselves, but to the best of my knowledge this is not the case.
- In my view the officer wrongly disclosed this to members of his family as he is proud of his role in the police service, but once the image is disseminated outside of the police service there is no control over how it is used.
- I do believe the actions of PC Bessell were naive and of ill thought, rather than intentionally malicious. Again, however, in sharing such an image outside of the policing environment you lost control of personal and sensitive information and risks adverse consequences occurring as a result.

6. In reaching my decision I have taken account of PC Bessell's service record, the references, the account he has provided in his response and the apology he made today. In determining the most appropriate sanction, I have given due consideration to the character references provided which read extremely well. I have also given due credit for the fact that you have continued at work throughout what I appreciate will have been a distressing and uncertain period in your career.
7. I have taken account of the guidance issued by the College of Policing under s.87(1B) (Guidance on Outcomes in Police Misconduct Proceedings published in March 2022). Further, the Code of Ethics sets out the principles and standards of behaviour which underpin the Regulations, to "promote, reinforce and support the highest standards from everyone who works in policing in England and Wales".
8. When considering its decision on outcome I have followed the structured approach to disciplinary proceedings as set out in *Fuglers v LLP v Solicitors Regulation Authority* [2014] EWHC 719. I applied a three-part test which was to (1) assess seriousness, taking into account any aggravating or mitigating factors and the Officers' records of service; (2) keep in mind the purpose of misconduct proceedings and (3) choose the sanction which most appropriately, taking into account the need to act fairly and proportionately, fulfils that purpose, for the seriousness of the conduct in question.
9. The assessment of seriousness is made by reference to (1) PC Bessell's culpability for the misconduct, (2) the harm caused by the misconduct, (3) the existence of any aggravating factors and (4) the existence of any mitigating factors.
10. PC Bessell accepts full culpability for his actions. In my view the harm caused is at the lower end of the scale as there was limited publication of the data to a small group and the impact on public confidence in my view would be limited.
11. I take account that that public confidence in policing would be eroded by police officers misusing their access to police data base for their own purposes but in my view a

member of the public would take into account the serious events which led to the misjudgement by the officer.

12. I have taken account of the specific part of the guidance regarding Data Protection at 4.34 and 4.35 of the College of Policing guidance and that more limited weight is to be attached to personal mitigation.
13. However, in this case, given the commitment shown by PC Bessell to the police service in a specialist area. I have taken into account paragraph 6.7 in the same College of Policing guidance document, which clearly states there is a public interest in retaining officers who have demonstrated or developed particular skills and experience. PC Bessell is an officer who has worked hard to attain a variety of specialist policing skills, and I note this has continued whilst he has been under investigation for these matters. I am supported in this view by the references that have been provided by the specialist unit.
14. After careful consideration, I therefore determine that the most appropriate and proportionate outcome in this case, and one that will ensure the trust and confidence in policing, and the reputation of Warwickshire Police is maintained, is that PC Bessell receives a final written warning. This warning will last for two years.
15. Pc Bessell, you will be provided with a written notice of the findings and the decision I have taken, together with a summary of the reasons, within 5 working days, beginning with the first working day after conclusion of this hearing.
15. This concludes my decision in this matter.