IN THE MATTER OF

THE POLICE (CONDUCT) REGULATIONS 2020 (as amended)

CASE REF: CO/672/24

B E T W E E N:

THE CHIEF CONSTABLE OF GLOUCESTERSHIRE CONSTABULARY — Appropriate Authority

-and-

PC 2869 Tyler Harris

-and-

PC 2991 Stuart Baker

Concerned Officers

REGULATION 43
DECISION

Introduction:

1. The Panel sat on 8-11 December 2025 at Gloucestershire Police Headquarters.
2. The Panel was chaired by ACC Arman Mathieson sitting with Adrienne Lintzgy and Sharon Copsey (Independent Panel members) and David Tyme (Legally Qualified Person).
3. Giles Bedloe of counsel represented the Appropriate Authority (AA).
4. PC Harris was represented by Heather Oliver of counsel and PC Baker was represented by Felix Keating of counsel.

Task of the Panel:

5. The Panel will approach its task by:
    a) First deciding the facts;
    b) Second determining, if any, Standards of Professional Behaviour have been breached, and if so;
    c) Third decide at what level we assess the seriousness of those breaches.
6. The Panel considered all the evidence contained within the bundle, together with the CCTV and BWV footage and the points raised in submissions.
7. The Panel will apply the following principles:
    a) The burden of proving any allegation rests with the Appropriate Authority.
    b) The Officer does not have to prove anything, let alone his innocence from Misconduct.
8. The standard of proof in establishing any fact is the balance of probabilities.
9. The Panel do not have to decide every matter in dispute; only those which assist it in making a decision as to whether or not a particular allegation is proved.
10. The Panel are required to consider and where possible determine factual matters not specifically alleged within the Regulation 30 notice, but which are nonetheless relevant to an allegation.
11. The Panel can draw inferences from the evidence adduced before it, meaning the Panel can reach common sense conclusions arising from that evidence, but the Panel must not cross into speculation. Any conclusions reached must be reached fairly.
12. The Panel must not find that the conduct of the Officer amounts to Gross Misconduct unless:

a) It is satisfied on the balance of probabilities this is the case, or
b) The Officer admits it is the case.

Allegations:

13. The Regulation 30 Notice made the following allegations against the Officers:

"POLICE CONSTABLE TYLER HARRIS and POLICE CONSTABLE STUART BAKER:

are individually and collectively alleged to have breached the Standards of Professional Behaviour on 8 May 2024 in respect of their conduct towards a member of the public, Person X.

These breaches to the following standards – Authority, Respect & Courtesy, Use of Force and Discreditable Conduct – constitute Gross Misconduct and are so serious as to justify dismissal.

The conduct alleged is as follows:

On 8 May 2024, you were tasked at Gloucester Royal Hospital with the supervision of Person X, who was vulnerable due to suffering a mental health crisis and who had been detained under s. 136 of the Mental Health Act 1968. Person X was in your care. You had a duty to treat her with respect and courtesy, not to abuse your authority, not to use force which was unjustified and / or excessive, and to conduct yourselves in a way which did not bring disrespect on the police force and would not undermine public confidence in policing.

Allegation 1 – both officers:

You lacked tolerance when dealing with her when she repeatedly requested to use the toilet. You subjected Person X to abusive, aggressive, and threatening behaviour, displaying an unprofessional attitude and disrespect. You used language that was offensive and inappropriate. Your conduct inflamed and exacerbated a volatile

situation. You failed to challenge each other's behaviour.

Allegation 2 - PC Harris:

PC Harris, in a threatening and overbearing manner, used offensive language and tone towards Person X, calling her a "petulant little brat". You told her to "sit down and shut up" and that she was "boring". You told her she was "selfish". After the incident in Allegation 3 below, you told Person X to stop "being so hysterical". You further said to Person X "sometimes you don't get what you want in life" when refusing to take her to the toilet without standing over her and said "hopefully this experience will make you realise there are consequences to your actions".

Allegation 3 – PC Baker:

As Person X attempted to access the door being blocked by PC Baker, you intentionally and aggressively and with force pushed Person X backwards causing her to fall to the floor, hitting her head on the hard arm of a chair and causing Person X significant distress and pain. Person X was handcuffed to the rear at the time. You showed no empathy for the fact she was injured and in pain, and provided no immediate attention to Person X.

Allegation 4 – PC Harris:

As Person X was lying on the floor, writhing about and lifting her head on and off the floor, PC Harris intentionally placed his boot by her head, trapping her hair. When he released her hair, he immediately slipped his boot under her head such that it was in contact with her face. Having previously handled her using his hands, there was no basis or justification to connect his boot with her head.

Allegation 5 – PC Harris:

Later, after other officers had joined in the room to assist in restraining Person X, she lashed out with her leg kicking PC Harris. Person X was not wearing footwear

at the time as her trainers had previously been removed. PC Harris immediately and spontaneously kicked Person X with some force using his shod foot in Person X's shin, leaving a mark. As a result of his actions, a fellow officer required PC Harris to leave the room."

Preliminary Matters (before the Chair alone):

14. A Pre-Hearing meeting took place on 1 and 4 December 2025. At the PHM Counsel for the AA confirmed that consideration was being given to the Officers' request for disclosure of relevant Crime Reports, PNC information and Intelligence briefing regarding Person X which was being reviewed, and a response would be provided within a matter of days. In any event, all counsel anticipated that the issue of disclosure and redaction of the bundle would be resolved in advance of the hearing. If not, an application would need to be made at the outset of the hearing.

Documentation

15. The Panel was provided with a bundle of documents which included the following:
    a. *Regulation 30 Notice dated*
    b. *Regulation 17 Notice re: PC Harris dated 25 June 2024*
    c. *Regulation 17 Notice re: PC Baker dated 25 June 2024*
    d. *Investigator's Report (redacted) dated 16 December 2024*
    e. *Letter of complaint submitted by Person X's father dated 14 May 2024*
    f. *Person X's statement dated 5 August 2024*
    g. *MG11 Witness statement of DCI Harris dated 8 December 2025*
    h. *Use of force form completed by PC Baker dated 8 May 2024*
    i. *Account of PC 2855 Ryan Williams*
    j. *Statements of Emma Horwood-Jones dated 5 December 2024*
    k. *Internal documents of Gloucester Royal Hospital dated 8 May 2024*
    l. *Photographs of Person X's injuries (provided by Person X)*
    m. *Transcript of PC Baker PSD interview dated 1 October 2024*
    n. *Transcript of PC Harris PSD interview dated 1 October 2024*

o. *CCTV footage from Gloucester Royal Hospital*
p. *BWV footage of PC Harris, PC Baker and other officers in attendance*

Witness evidence called (before the Panel)

16.The Panel heard live evidence from PC Harris, PC Baker and use of force expert, Mr Ian Mills.

Decision on Facts

17.The Panel gave careful consideration to: the material contained within the case papers and the additional disclosure, viewed the CCTV and BWV footage and reflected upon all the live evidence that it had heard during the hearing.

18.There was no health issues raised on behalf of either officer in their Regulation 31 Response or thereafter.

19.The Panel had regards to the Officers' good character, however, was mindful that their good character is relevant as to credibility and propensity.

20.The Panel noted that Person X had not made a witness statement and her account of the relevant events was contained within a letter of complaint submitted by her foster parent. In any event, the relevant events were captured on the available CCTV and BWV.

Legal Advice – *use of force*

The Panel was provided with following legal advice as regards the Use of Force:
In this case, the officers say that their use of force was necessary and reasonable because, among other things, they honestly believed their actions were required in self-defence and/or self-defence of another. Self-defence of another can include Person X, members of the public or colleagues. That explanation raises an evidential issue for the Panel to consider; it is not a "defence" in the civil-law sense that would shift the legal burden.

R (on the application of Officer W80) (Appellant) v Director General of the Independent Office for Police Conduct and others (Respondents) *sets out the*

correct test applicable in relation to the use of force by a police officer in self-defence in the course of effecting an arrest, restraining an individual or in preventing crime within the context of police disciplinary proceedings.

The Supreme Court held that:

> There are two limbs to self-defence in both criminal proceedings and in civil actions which can be conveniently described as the *trigger* and the *response.*
>
> I. The trigger is a factual question; what did the individual genuinely believe was happening to cause him to use the violence that he did?
>
> II. The response, is a question of reasonableness; was the individual's response reasonable in all the circumstances?

Furthermore, the Supreme Court held that:

> *"Under the civil test the first limb (the trigger) is addressed on the basis of the facts as subjectively understood by the individual. [However, under the civil test if an individual made a mistake of fact he can only rely on that fact if the mistake was a reasonable one to have made.] So far as the second limb (the response) under the civil test is concerned, the objective standard of reasonable use of force is to be assessed against the background of the facts as subjectively understood by the individual, [subject to the qualification that if an individual made a mistake of fact he can only rely on that fact if the mistake was a reasonable one to have made]. Once again, there are both objective and subjective elements. Although the civil test has been termed "objective", it combines both subjective and objective elements and it is therefore more accurate to refer to it as "the civil law test".*

Standard and Burden of Proof

21.The Panel is required to apply the Civil Standard of Proof namely, on the balance of probabilities. The alleged conduct is proven if the Panel is satisfied that it is more likely than not that the conduct occurred. The Burden of Proof falls on the AA to prove the allegations on the requisite standard. When assessing the probabilities the Panel will have in mind as a factor, that the more serious the allegation the less likely it is that the event occurred and, hence, the stronger the evidence should be before the Panel concludes that the allegation is established on the balance of probability. The

standard has built into it a generous degree of flexibility in respect of the seriousness of the allegation.

22. Although the result is much the same, this does not mean that where a serious allegation is in issue the standard of proof required is higher. It means only that the inherent probability or improbability of an event is itself a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred. The more improbable the event, the stronger must be the evidence that it did occur before, on the balance of probability, its occurrence will be established.

Facts to be determined by the Panel.

23. The Panel had regard to the admission of facts made by the officers and considered that the following factual issues required determination by the panel.

Allegation 1 [Withdrawn]

Allegation 2

1.Was PC Harris's behaviour towards Person X ("X") threatening and overbearing.

2.Did PC Harris use offensive language and tone towards X.

Allegation 3

1.Was the force used by PC Baker Intentional and or aggressive.

2.Did PC Baker display a lack of empathy in his dealing with X.

Allegation 4

1.Did PC Harris intentionally place his boot by X's head trapping her hair.

2.Did PC Harris immediately slip his boot under X's head.

3.Did PC Harris' boot make contact with X's face. If so, was the use of his boot/foot justified.

Allegation 5 **[***NB. AA accepts that X was in fact wearing soft trainers***]**

1.Did PC Harris immediately and or spontaneously kick X. If so,

2.Did the kick leave a mark on X's shin.

3.Was PC Harris required to exit the room by his colleague.

Use of force

During the course of the officers' dealings with X did either officer:

1. Honestly believe that they and or another were under an immediate risk of a threat of violence.
2. If so, in all the circumstances, was the force used reasonable, and or, proportionate and or necessary.
3. Did PC Baker honestly believe that it was necessary to prevent X from escaping.

Decision on Allegations:

24. The Panel considered that the facts of this case, as alleged, were mainly proven by the evidential submissions on the CCTV and BWV footage and the open admission made by PC Baker in relation to his interaction with Person X. In summary, the Panel concluded as follows:

Allegation 2: Proven in its entirety, including the words '*threatening'*, *'overbearing'* and *'offensive'.*

Allegation 3: Proven in its entirety, including the word *'aggressively'*

Allegation 4: Proven, however the Panel found that PC Harris did not trap Person X's hair, nor did he place his boot under her face without justification.

Allegation 5: Proven (Recognising the wording should be "was wearing footwear")

Decision on Alleged Breach of Standards:

25. Generally, the Panel found that the Officers' proven conduct breached the following Standards of Professional Behaviour namely: Use of Force, Authority, Respect & Courtesy and Discreditable Conduct.

More specifically in relation to each officer the Panel made the following findings:

Use of Force

PC Baker*:*

The Panel concluded that when PC Baker pushed Person X the force applied was neither necessary, proportionate or reasonable on all the circumstances.

PC Harris:

The Panel concluded that when PC Harris placed his boot under Person X's face this did not amount to Misconduct because he honestly believed that by doing so, he would temporarily cushion Person X's head.

However, in relation to the occasion when PC Harris kicked Person X (as per Allegation 5), the Panel concluded that the force used was neither necessary, proportionate or reasonable in all the circumstances.

Authority, Respect & Courtesy

PC Baker:

The Panel determined that by pushing Person X and failing to take any steps to attend to her welfare immediately, thereafter, demonstrated a lack of self-control and tolerance and amounted to a breach of the standard of ARC.

PC Harris:

The Panel determined that the language used towards Person X, the use of his boot (as per Allegation 4) and kicking her (as found proven) evidenced a lack of self-control and tolerance and amounted to a breach of this standard.

Discreditable Conduct

In relation to the officers' proven conduct (as mentioned above) the Panel considered that were the public made aware of such behaviour, public confidence in and the reputation of the police service would be undermined and the relationship of trust and confidence between the police and the public would be undermined. In all the circumstances, the Panel determined that the officers proven conduct amounted to a breach of the Standards of Professional Behaviour of Discreditable Conduct.

Decision on Misconduct or Gross Misconduct:

26.The Panel reviewed the facts of the case and the breaches of the Standards of Professional Behaviour and considered whether or not the conduct of the Officers amounted to Misconduct or Gross Misconduct or Neither.

27.The Panel reminded itself that Misconduct is conduct that justifies disciplinary proceedings being commenced and Gross Misconduct means a breach of the Standard of Professional Behaviour that is so serious as to justify dismissal.

28.Taking these factors together and having regard to the proven conduct, the Panel decided that the Officers' breach of the Standard of Professional Behaviour is so serious that it could justify dismissal. Accordingly, the Panel determined that in respect of each officer the proven conduct amounted to Gross Misconduct.

Decision on Outcome:

29.The Panel heard submissions on behalf of the AA and the concerned officers and was provided with a bundle of character references in respect of each officer.

30.The AA submitted that the outcome should be dismissal without notice on the basis that the proven conduct amounts to Gross Misconduct.

31.Counsel for the officers submitted that a Final Written Warning would be a proportionate sanction in all the circumstances.

32.The Panel was provided with the Officers' training records and noted that the officers respective relevant training courses and date of attendance.

33.In making its decision on Outcome the Panel has considered Regulation 42 of the Police (Conduct) Regulations 2020 and paragraph 20.66 of the *Home Office Guidance: Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing*. The Panel reminded itself that where it finds that the conduct of the officer concerned amounts to Gross Misconduct. In this case the relevant potential outcomes are :

a) Final Written Warning of up to 5 years
b) Dismissal without notice.

34. The Panel reminded itself of the purpose of the police misconduct regime before deciding on the appropriate sanction. The threefold purpose is:

a) To maintain public confidence in, and the reputation of, the police service.
b) To uphold high standards in policing and to deter misconduct.
c) To protect the public.

35.The Panel considered and had regard to the College of Policing document entitled '*Guidance on outcomes in police misconduct hearings'*, which has informed its approach. The Panel noted at paragraph 1.5 of the Guidance, that it does not override its discretion, and that it is the Panel's function to determine the appropriate outcome.

36. In approaching the Panel's decision on outcome it has:

a) Assessed the seriousness of the misconduct;
b) Borne in mind the purpose of imposing sanctions;
c) Chosen the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Seriousness:

37.The Panel accepted that any case of gross misconduct considered by a police misconduct hearing panel is to be treated as a serious matter. In any event, the Panel reminded itself that its function is to decide how serious the gross misconduct is in each instance.

38.The Panel assessed the level of seriousness by following structured approach as set out in the *Guidance on outcomes in police misconduct hearings,* namely:

a) Step 1: Assess Culpability
b) Step 2: Assess Harm and or potential harm
c) Step 3: Consider Aggravating Factors
d) Step 4: Consider Mitigating Factors

39.Accordingly, when assessing the seriousness of the misconduct the Panel considered (a)-(d) above in turn.

Culpability:

40**.** 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.

PC Stuart Baker

41. The Panel determined culpability by considering a spectrum of blameworthiness which it articulated as low, medium or high.

42.. The Panel determined that PC Baker deliberately and intentionally pushed Person X (which he admitted), which was an act that was perpetrated against a vulnerable person who ultimately was in his and PC Harris's care. However, the Panel did not find that PC Baker's lack of empathy (as found by the Panel) was either intentional or deliberate. Accordingly, the Panel determined that PC Baker's level of culpability is **medium**.

Harm:

43.The Panel determined that Person X was caused physical and psychological harm as a result of being pushed by PC Baker and further that, the proven conduct has the potential for harm to be caused to the reputation of the police service. Accordingly, the Panel determined that the harm caused is **medium**.

Seriousness Starting Point:

44.Having assessed culpability and harm, the Panel decided that the seriousness starting point was at the level of **medium**.

45.In considering the appropriate outcome the Panel was mindful of the need to avoid 'double counting' factors that have been identified as being relevant to the assessment of seriousness.

Aggravating factors:

46**.**The Panel concluded that the following aggravating factors were engaged:

a) Person X was a vulnerable person.
b) PC Baker consistently failed to raise concerns or seek advice from a colleague or senior officer.
c) There were multiple Breaches of the Standards of Professional Behaviour.

Mitigating factors:

47.The Panel found the following mitigating factors were present:

a. the proven conduct was confined to a single episode of brief duration (a few minutes) in the context of an exceptionally prolonged and challenging incident that lasted many hours and during the majority of time engaged with Person X his conduct was professional and in line with the Standards of Professions Behaviour;

b. any element of provocation, that may have affected the officer's judgement in deciding to use force in the heat of the moment;

c. PC Baker genuinely believed that he was acting pursuant to a legitimate policing purpose or in good faith;

d. PC Baker made open admissions at an early stage;

e. PC Baker displayed genuine remorse, insight and accepted responsibility. Further, he openly apologised to Person X for the impact of his actions.

Personal Mitigation:

48.Thereafter the Panel considered whether there is any personal mitigation on behalf of the officer, accepting that it should have limited effect.

49.The Panel considered PC Baker's Record of Service and his impressive character references from which the Panel concluded that he was a hard-working and thoughtful police officer.

Overall Assessment of Seriousness:

50. In all the circumstances, the Panel assessed PC Baker's proven conduct as **low.**

PC Tyler Harris:

Culpability

51. The Panel considered that PC Harris's proven conduct was not planned and was an isolated occurrence. However, the Panel determined that the language used by PC Harris and his actions, in particular kicking Person X (a vulnerable person) was intentional, deliberate and targeted.

52. Accordingly, the Panel determined PC Harris's level of culpability is **high**.

Harm:

53**.**Person X was caused physical harm by PC Harris kicking her and psychological harm by him shouting at her. Further, the proven conduct has the potential to cause harm to the reputation of the police service.

54. Accordingly, the Panel determined the level of harm is **high**.

Seriousness Starting Point:

55.Having assessed culpability and harm, the Panel decided that the seriousness starting point was at the level of **high**.

56.In considering the appropriate outcome the Panel was mindful of the need to avoid 'double counting' factors that have been identified as being relevant to the assessment of seriousness.

Aggravating Factors

57. The Panel determined that the following aggravating factors were present:

i. Person X was a vulnerable person;
ii. PC Harris consistently failed to raise concerns or seek advice from a colleague or senior officer, when dealing with incident;
iii. Multiple Breaches of the Standards of Professional Behaviour;
iv. Deliberate violence;
v. Attempting to blame others.

Mitigating Factors

58. The Panel concluded that the following mitigating factors were present:

a. any element of provocation, that may have affected the officer's judgement in particular, that led him to use of force in the heat of the moment;
b. PC Harris had a genuine belief that he was acting pursuant to a legitimate policing purpose and/ or in good faith;
c. open admissions at an early stage.

Personal Mitigation:

59.Thereafter the Panel considered whether there is any personal mitigation on behalf of the officer, accepting that it should have limited effect.

60.The Panel considered PC Harris's Record of Service and his impressive character references from which the Panel concluded that he was a hard-working and thoughtful police officer.

Overall Assessment of Seriousness:

61.In all the circumstances, the Panel assessed PC Harri's proven conduct as **high.**

Overall Personal Mitigation

62. The Panel was mindful that purely personal mitigation is not relevant to the assessment of the seriousness of the misconduct. The importance of maintaining public confidence in and respect for the profession of policing is our primary concern.

63.This Officer's misconduct threatens the preservation of such public confidence and respect in policing and this resulted in less weight being attached to the personal mitigation being advanced. The essential issue is the need to maintain public confidence in the policing profession.

Outcome

64. The Panel considered that the following purposes of the police misconduct regime were engaged namely: maintaining public confidence in and the reputation of the police service; upholding high standards in policing and deterring misconduct.

65. The Panel was mindful that the most important purpose of police misconduct proceedings and the outcome to be imposed, is to maintain public confidence in the police service and to maintain its collective reputation. Further, the purpose is not to punish the officer.

66. The Panel, as required by the Guidance on Outcomes, considered the least serious outcome available.

67. The Panel concluded that the officers' proven conduct would cause harm to public confidence and in the policing profession However, the proven conduct is on a type that in all the circumstances an adequate and proportionate outcome in respect of both officers would be a Final Written Warning.

68.Accordingly, the Panel determined that an adequate and proportionate outcome is a period of 4 years in relation to PC Harris and 2 years in relation to PC Baker.

ACC Arman Mathieson
19th December 2025