

NOTICE UNDER REGULATION 63

OUTCOME OF ACCELERATED MISCONDUCT HEARING
PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020
AS AMMENDED BY THE POLICE (CONDUCT)
(AMMENDEMENT) REGULATIONS 2024

DEVON & CORNWALL POLICE.

(Appropriate Authority)

v.

FORMER PC 18228 JOEL KELLY

(“The former officer”)

Panel

ACO (Retired ACC) Ian Saunders – Devon & Cornwall Police (Chair)

Representatives

Counsel for the Appropriate Authority – Mr Mark Ley-Morgan

References

- (i) 'The Chair' – ACO Ian Saunders
- (ii) AA – Appropriate Authority
- (iii) 'The former officer' – Former PC 18228 Joel Kelly
- (iv) The Police (Conduct) Regulations 2020 (Amended) 2024 will be "the Regulations", or as 'Regulation' and then the Regulation number referred to.
- (v) The Statutory Guidance on Professional Standards, Performance and Integrity in Policing issued by the Home Office will be the 'H.O.G' and the relevant paragraph number an example being [H.O.G 9.10].
- (vi) The College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2023 will be referenced as 'the Guidance' and on occasion together with the relevant paragraph number.
- (vii) Pages from the hearing bundle will be referenced for example as [HB page1 or pages 1-3].

Introduction

1. This is the Regulation 63 notice of an Accelerated Police Misconduct Panel held under the Police (Conduct) Regulations 2020 (as amended) into the conduct of former PC 18228 Joel Kelly (the former officer).
2. On 14th May 2026, DCC Colwell (the AA) certified that the special conditions were satisfied and that this case should be dealt with as an accelerated misconduct hearing.

3. The hearing was conducted in person at Devon and Cornwall Police Headquarters, Exeter on 5th August 2026.
4. Members of the public were permitted to attend, however, none did so.
5. The former officer resigned from Devon and Cornwall Police on 27th February 2025. This hearing was therefore dealt with under the former officer provisions of the Regulations and Guidance.

Representation

6. The AA was represented by Counsel, Mr Mark Ley-Morgan
7. The former officer was not present at the hearing and nor was he represented (see paragraphs 12-16 below).

Papers considered

8. During this hearing and the Chair's subsequent deliberations, he was provided with, and carefully considered the following papers:
 - (i) Hearing bundle (HB pages 1-55).
 - (ii) AA's opening note.
 - (iii) The former officer's record of service

The Allegations/ Alleged Breaches

9. The allegation made against the former officer was recorded on the Regulation 51 notice [HB page 3].
10. To assist readers of this Regulation 63 notice, the allegation against the former officer is provided in full below:

1. *At all material times you, your partner and Ms Helen O'Hora had a joint buildings insurance policy in respect of [redacted] ("the buildings insurance policy").*
2. *On or about 21st February 2024 you created the email address "[redacted]" ("the email address") without Ms O'Hora's knowledge or consent.*
3. *At 20:47 on 21st February you used the email address to send an email to Adler Fairways Insurance Brokers ("the Brokers") stating "Hi. Reference the below the buildings insurance can be cancelled. I am aware that Joel and Jess have left the property and the new buyers have moved in. Kind regards Helen." ("the email").*
4. *The email was sent without Ms O'Hora's knowledge or consent.*
5. *You sent the email with the intention of inducing the Brokers to believe that Ms O'Hora was confirming that the buildings insurance policy could be cancelled.*
6. *At all material times you knew that:*
 - (a) *Ms O'Hora had not consented to the buildings insurance policy being cancelled.*
 - (b) *Ms O'Hora was unaware that the buildings insurance policy had been cancelled.*
 - (c) *Cancellation of the buildings insurance policy would have left Ms O'Hora uninsured.*
 - (d) *You should not create the email address and/or send the email.*
7. *On 1st December 2025 you accepted a Simple Caution for making a false instrument (the email) contrary to sections 1 and 6 of the Forgery and Counterfeiting Act 1981.*

It is alleged that you have breached the Standard of Professional Behaviour concerning Conduct. Your behaviour discredits the police service and undermines public confidence in it because a reasonable member of the public would be justifiably concerned that a police officer had created a false instrument with the intention of deceiving another person.

It is alleged that your conduct constitutes gross misconduct and that it is in the public interest that your name be added to the College of Policing Barred List without delay.

11. *On 20th July 2026, Deputy Chief Constable Jim Colwell determined that the allegation against the former officer satisfied the special conditions as set out by Regulation 49 (2) of the Police (Conduct) Regulations 2020. He further authorised that this allegation be considered at an accelerated misconduct hearing.*

Proceeding in the absence of the former officer

12. The Chair was informed that the former officer had chosen not to serve a Regulation 54 response to the AA.
13. The Chair was also informed that the former officer had decided not to be present during this hearing and that the Police Federation had therefore disengaged from this case.
14. Counsel for the AA invited the Chair to direct that the hearing proceeded in the absence of the former officer pursuant to Regulation 57(3)(b).
15. The Chair was informed that the former officer had been made aware that this hearing was taking place on 5th August 2026 and that it could proceed in his absence. The former officer had submitted no objection to that course of action.
16. On that basis, the Chair determined that the hearing could proceed in the absence of the former officer. He had considered the submissions made by the AA and balanced these against his duty to ensure proceedings were conducted efficiently, fairly, transparently, and without unnecessary delay.

The Hearing

17. The Chair approached his task by:
 - i. Firstly, deciding the facts, (**Factual Determination**);
 - ii. Secondly, determining on the facts found, if any professional standards had been breached, (**Breaches of Professional Standards**), and if so;
 - iii. Thirdly, deciding at what level, the panel assessed the seriousness of the breaches, (**Level of Breach**).
 - iv. Lastly and following consideration of the Amended Regulations, deciding the outcome for the Officer, (**Decision on Outcome**).

Purpose of Misconduct Proceedings

18. Counsel for the AA reminded the Chair of the threefold purpose of the police misconduct regime as detailed at paragraph 2.3 of the Guidance:

- i. To maintain public confidence in, and the reputation of the police service.
- ii. To uphold high standards in policing and to deter misconduct.
- iii. To protect the public.

Burden and Standard of Proof

19. The Chair was mindful that:

- (i) The burden of proof was upon the AA and,
- (ii) The standard of proof, which must be applied in this hearing was that as required in civil cases, namely upon the balance of probabilities.

Factual Determination

20. In the absence of a Regulation 54 response, the AA directed the Chair to an email sent by the former officer to his Police Federation representative who forwarded it to the investigating officer [HB pages 44-45]. This relevant contents of that email are shown below (the Chair has marked the questions asked by the I/O in bold text to assist the reader of this notice with the answer provided by the former officer in plain text):

1) Did you create the email address [redacted]

Yes.

2) Why did you create this email address?

To cancel the insurance.

3) Did you send an email or emails to Adler Fairways insurance brokers from the above email address with the intent that they accept it/them as genuine?

Yes.

4) For what purpose did you send the email to Adler Fairways?

To cancel the insurance.

5) What was the reason that you did not ask Ms O'Hora to send the email herself?

She wanted to purchase my house, when I sold it to someone else offering more money, she stopped communicating with me and became extremely hostile and actively took steps to prevent the sale of it.

21. The Chair noted that on 1st December 2025, the former officer received an adult simple caution for the offence of 'Making a false instrument with intent that it be accepted as genuine' contrary to Sections 1-6 of the Forgery and Counterfeiting Act 1981.
22. On that basis, the Chair determined that the facts alleged by the AA in these proceedings were found proven.

Breaches of Professional Standards

23. The AA alleged that the former officer breached the Standard of Professional Behaviour concerning Discreditable Conduct. They submitted that his behaviour discredits the police service and undermines public confidence in it because a reasonable member of the public would be justifiably concerned that a police officer had created a false instrument with the intention of deceiving another person.
24. Having found the facts alleged in this case as proven, the Chair determined that the officer's conduct was in breach of those Standards of Professional Behaviour as alleged by the AA.
25. The Chair made this decision on the basis that a member of the public would be deeply concerned that a serving police officer had committed the dishonest acts subject of these allegations which had been found to be proven.

Level of Breach

26. In determining the level of breach, the Chair was mindful of his obligations as described in the Regulation 61(15). This states that he should review the facts of this case and decide whether the former officer's conduct amounted to gross misconduct.

27. The Chair was further assisted by Regulation 61(16) which states:

“The person conducting or chairing the accelerated misconduct hearing must not find that the conduct of the officer concerned amounts to gross misconduct unless:

- (a) they are satisfied on the balance of probabilities that this is the case, or*
- (b) the officer admits this is the case”*

28. The Chair reminded himself that misconduct is defined in the Regulations as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action whilst gross misconduct is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

29. In accordance with the Guidance, the Chair assessed the seriousness of the proven misconduct by reference to paragraph 4.3 of the Guidance and his consideration of the following;

- The Officer's culpability for the misconduct
- The harm caused by the misconduct
- The existence of any aggravating factors
- The existence of any mitigation factors

30. The Chair was mindful to avoid 'double counting' in his assessment of seriousness.

31. Due to the nature of this hearing in so far as the former officer was not present nor represented, the Chair was unable to receive submissions from both parties on seriousness. The Chair was however provided with submissions from the AA to assist in his assessment of seriousness which are incorporated into record as shown below.

Culpability

32. The Chair found that the former officer's proven actions and breaches of the Standards of Professional Behaviour were intentional and deliberate.
33. The former officer actions were planned and pre-meditated. He had created a false email account and sent a message using that account pretending to be Ms O'Hara with the clear intention of cancelling a joint insurance policy when he knew or should have known that this action was unlawful.
34. The Chair determined the former officer's culpability was **HIGH**.

Harm

35. The Chair was assisted by paragraphs 4.63-4.74 of the Guidance in his assessment of the harm caused by the former officer.
36. The Chair found that the actions of the former officer created a very high risk of harm to public trust and confidence in the police service. The former officer had taken pre-meditated and planning actions to deceive an insurance company.
37. The Chair also found that the former officer's misconduct created a further risk of harm to Ms O'Hara. By leaving her without insurance for a period of time, his actions exposed her to potential personal and financial risk.
38. The Chair noted paragraph 4.32 of the Guidance which states that:

“However, some off-duty dishonesty may be very serious, particularly where it carries implications for the officer’s ability to carry out their professional duties or has the potential to bring the police service into disrepute. A dishonest statement made by a police officer in the public sphere, or in an official or otherwise solemn document – such as an application for a mortgage or loan, or a tax declaration – will be at the more serious end of the spectrum of off-duty dishonesty”.

39. The Chair found that this was of specific relevance to the former officer’s misconduct in his assessment of its seriousness. The former officer’s actions involved his making a dishonest statement which the Guidelines state are indicative of dishonesty at the ‘more serious end of the spectrum of off-duty dishonesty’.
40. Having carefully considered the Guidance, the Chair determined that the harm caused by the former officer’s proven actions and breaches of the Standards of Professional Behaviour was **HIGH**.

Aggravating Factors

41. The Chair then considered the list of aggravating factors provided at paragraph 4.76 of the Guidance.
42. The panel found that the proven misconduct of the former officer engaged several of those aggravating factors:
 - (i) Premeditation, planning and taking deliberate steps
 - (ii) Malign intent to gain a financial gain
 - (iii) Concealing wrongdoing

Mitigating Factors

43. The Chair considered the factors detailed at paragraphs 4.79-4.82 of the Guidance and after careful consideration, found that there was no mitigating factor(s) engaged in the case.

Determination of Seriousness

44. Having carefully considered the former officer's culpability and harm in accordance with the Guidance, the Chair's starting point for seriousness was deemed to be **HIGH**.
45. Following the Chair's consideration of aggravating factors, he found this starting point of seriousness was unchanged.
46. The absence of mitigating meant that the Chair's assessment of seriousness received no reduction and remained as **HIGH**.
47. The Chair carefully considered seriousness in accordance with the Guidance. He noted paragraph 4.26, which states that;

'Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously'.

48. The Chair found that the former officer's misconduct was evidence of his dishonesty and would have brought the police service into disrepute. He therefore determined that the proven conduct was at the **upper end of seriousness**.
49. The Chair found that the former officer's breach of the Standards of Professional Behaviour was so serious that it could justify dismissal and therefore amounted to **Gross Misconduct**.

Decision on Outcome

50. The Chair then reminded himself of the purposes for imposing outcomes in police misconduct proceedings as defined at paragraph 2.3 of the Guidance:
 - (i) To maintain public confidence in and the reputation of the police service
 - (ii) To uphold high standards in policing and to deter misconduct

- (iii) To protect the public

51. The Chair reminded himself of paragraph 4.2 of the Guidance which states that there are three stages to determining the appropriate sanction:

- (i) assess the seriousness of the misconduct
- (ii) keep in mind the purpose of imposing sanctions
- (iii) choose the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question

52. The Chair had already assessed seriousness in his determination of the level of breach in this hearing (see paragraphs 26-43 above). The Chair was able to apply that same assessment in his determination of the outcome as the AA provided no additional submissions not already provided.

53. The Chair also reminded himself of paragraph 3.30 of the Guidance that the only available outcomes for a former officer are:

- Disciplinary action
- No disciplinary action

54. The Chair noted paragraph 3.31 of the Guidance which states that where a former officer's conduct amounted to gross misconduct and disciplinary action is imposed, the only sanction can be that he would have been dismissed if still serving.

55. Having determined that the seriousness of the former officer's conduct was determined to be gross misconduct, the Chair determined that disciplinary action must be imposed.

56. The Chair did not consider that had the former officer still been employed, the imposition of a final written warning would have been appropriate given the seriousness of the facts and breach found as proven.

57. The Chair determined that public confidence in the police service would be undermined if an officer who had engaged in, and admitted to, such conduct would have been retained within the organisation.
58. The Chair therefore found that the public would have expected nothing less than dismissal of the former officer without notice for the gross misconduct found proven.
59. The Chair also noted paragraph 3.24 of the Guidance that he must have regard to the former officer's record of police service when considering the outcome. The Chair was provided with the officer's personal record and record of service which was carefully considered in this deliberations.
60. It was the Chair's view that the primary purpose of the police misconduct regime is the maintenance of the public trust and confidence in the police service. The proven gross misconduct of the former officer and his breach of the Standards of Professional Behaviour presented a real risk to that public trust and confidence in the police service being challenged with the real potential for harm to be caused.
61. This finding is supported by the caselaw provided in:

Redgrave v Commissioner of Police of the Metropolis [2003] EWCA Civ 4 at [38], Simon Brown LJ made it clear that the character and purpose of misconduct proceedings was "to protect the public and to maintain the high standards and good reputation" of the policing profession.

62. Paragraph 4.17 of the Guidance is also of relevance to this case in its stating that:

"It is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves".

63. Having assessed the totality of the proven facts and the breach of the Standards of Professional Behaviour, the former officer's service record, the

contents of the Guidance and the purpose of the police misconduct regime, the Chair determined that **the former officer would have been dismissed without notice if he were still serving.**

Barred List.

64. The Chair directed that the former officer's name be added to the College of Policing Barred List.

ACO Ian Saunders

Chair of misconduct hearings

10th August 2026.