

IN THE POLICE MISCONDUCT HEARING

**PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS
AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS
2024**

IN THE MATTER OF:

SC 20676 Samuel Toynbee

On 28th – 29th September 2026

PANEL'S REPORT

The Chair imposed a reporting restriction in this case, prohibiting the publication of any information that might lead, directly or indirectly, to the identification of a member of the public captured Body Worn Video ("BWV") and referenced during the proceedings. The individual's identity must not be disclosed during the proceedings or in any publication arising from them. That order is without limit of time.

DECISION OF THE PANEL

Charley Rimmer (Chair)

Nailah Kausar (Independent Panel Member)

and

Lynn Kemp (Independent Panel Member)

1. A: Introduction

2. The misconduct hearing for Special Constable Toynbee ("the Officer") was held in public between 28th September 2026 and 29th September 2026 at Grantham Police Station. Ahead of the hearing, a Notice of Hearing was published in accordance with the Police (Conduct) Regulations 2020 ("the Conduct Regulations").

3. B: The Allegations

4. It was alleged that the Officer breached the Standards of Professional Behaviour by using cocaine, a Class A controlled substance. A drug test undertaken on 11th July 2025 detected cocaine below the applicable cut-off concentration and the cocaine metabolite benzoylecgonine above its applicable cut-off concentration. The test was conducted as part of the Officer's application to join Lincolnshire Police as a Police Constable.
5. This conduct was said to amount to a breach of the Standard of Behaviour relating to Discreditable Conduct because it undermined the trust and confidence in both the Officer and Lincolnshire Police as a whole.
6. It was alleged that the conduct amounted to gross misconduct.
7. The Officer accepted the test results but denied that he had knowingly ingested the Class A substance.
8. **C: Representation**
9. The Appropriate Authority ("the AA") was represented by Miss Briggs of Counsel. The Officer was unrepresented although supported by DCI Mike Parsons in his capacity as Federation Representative.
10. The Panel would like to thank the representatives for their assistance throughout the case, including the provision of an opening note.
11. The Panel was assisted by Ms Shaheen Mansoor, Legally Qualified Person.
12. **D: Preliminary Issues**
13. **Unrepresented Officer**
14. The Officer's lack of representation was addressed as a preliminary matter. To ensure that the Officer could participate effectively in the proceedings, the Chair informed the parties that she would assist him with the hearing process whilst maintaining her impartiality and without favouring either party. In doing so, she had regard to the principles of natural justice and the need to ensure a fair hearing. Once notified that the Officer was no longer represented by a Federation representative he had been invited, at the direction of the Chair, to provide written submissions in advance of the hearing. The Officer was reminded of that invitation during the preliminary stages.

15. The Chair explained to the Officer the distinction between presenting his case and giving oral evidence. She reminded him that this distinction had been communicated to him in advance of the hearing to ensure that he was properly informed. The Chair explained that he could present his case, make submissions and refer the Panel to the evidence upon which he relied without giving oral evidence himself. If he chose to give oral evidence, he would provide his own account as a witness and could be cross-examined on behalf of the AA and asked clarification questions by the Panel. The Officer was given an opportunity to clarify his understanding of these distinctions and asked whether he intended to give oral evidence. The Officer confirmed his understanding and elected to give oral evidence.

16. Remote Attendance of Panel Member

17. On the morning of the hearing, the Chair was informed that one of the Panel members was unable to attend in person due to injury. The Chair ensured that all parties were informed immediately prior to the hearing and their views were sought. Both parties agreed that the hearing should proceed with the Panel member participating remotely.

18. Having satisfied herself that the Panel member could participate effectively remotely, the Chair did not consider it necessary or expedient to adjourn the proceedings because the Panel member could not attend in person. She, therefore, determined that the hearing should proceed.

19. The Chair confirmed that the Panel member had read the bundle and viewed the Body Worn Video ("BWV") footage and received all documents provided that morning. This included the 'Opening Note' and material submitted shortly before the commencement of the hearing. Further documents provided during the proceedings were also made available to the Panel member in a timely fashion.

20. Admission of Further Evidence

21. Prior to the commencement of the hearing, both parties submitted further evidence. The material submitted by the AA was in response to the material provided by the Officer.

22. To determine the admissibility of this evidence, both parties were invited to make their respective submissions at the preliminary stage of the hearing.
23. Miss Briggs raised queries about the relevance and context of some of the documents and sought clarification of how the Officer intended to use them. Miss Briggs noted that the material appeared to challenge the validity of Abbott Toxicology's reporting. She indicated that, if this was the Officer's intention, it had taken the AA by surprise. This was on the basis that the Officer's position during the pre-hearing was that he accepted the test results, but denied knowingly ingesting the drugs.
24. The Officer indicated that he intended to use the material as a reference. He stated that he had understood that all material upon which he intended to rely need not be identified in his Regulation 31 response.
25. To ensure fairness and clarify the Officer's position, the Chair referred him to his Regulation 31 response. The Officer confirmed that its contents were accurate and that his position remained unchanged; namely, that he accepted the test results but denied knowingly ingesting the drugs.
26. The Chair considered the parties' submissions and was mindful that the Officer was unrepresented. In the interests of fairness, she exercised her discretion under Regulation 41 (11) of the Conduct Regulations to admit the documents, notwithstanding their late submission.
27. Reporting Restriction
28. The Chair reminded the parties and informed all in attendance of her pre-hearing direction. This was that the identity of the individual referred to in the hearing bundle and BWV footage shall not be disclosed during the proceedings or in any publication arising from the misconduct proceedings. This order was without the limit of time.

29. **E: Regulation 30 Notice and Regulation 31 Response**

30. **Regulation 30 Notice:**

31. **Facts**

1.1 *"At all material times you were employed by Lincolnshire Police as a special constable, having commenced employment on 04/09/2023."*

1.2 *"Having applied to join Lincolnshire Police as a police constable, on 11 July 2025 you were subject to a drug test."*

1.3 *"On 21 July 2025, the results of the drug test confirmed you had tested positive for cocaine and the cocaine metabolite benzoylecgonine."*

32. Particulars of Misconduct

2.1 *"Your conduct is capable of undermining public confidence in Lincolnshire Police."*

33. The Conduct, if Proved Amounts to Gross Misconduct for the Following reasons:

3.1 *"You tested positive during the course of a drugs test which indicated your use of a Class A controlled substance".*

3.2. *"Your conduct would undermine trust and confidence in you and the police force as a whole".*

34. Standards of Professional Behaviour Engaged:

4.1. *"Discreditable Conduct".*

35. Regulation 31 Response:

36. The Officer confirmed that his position remained unchanged from that set out in his Regulation 31 response, which stated:

37. *"I do not dispute the findings of the drugs test that I was subject to on 11/07/2026. I do dispute however the assertion that I am or ever have been a user of a Controlled drug namely cocaine (or any other). I have never knowingly consumed cocaine."*

38. The above reference to "11/07/2026" in the quoted response appears to be a typographical error. The drug test took place on 11th July 2025.

39. F: Evidence

40. The Panel gave due consideration to the written and electronic evidence and heard the oral evidence and submissions made. Although this document does not propose to set out every facet of the evidence and submissions, on the basis that this would be impractical, the Panel does summarise its principal findings and conclusions in this document.

41. The Panel was provided with the following documents:

- a) Regulation 30 Bundle ("the Bundle"), comprising of 124 pages; which included the Regulation 30 notice and the Regulation 31 response.
- b) Redacted BWV footage.
- c) The AA's opening note.
- d) Character references for the Officer.

42. The Panel also heard from the following witnesses:

- a) The Officer
- b) Kirsty Watson, Toxicologist (Expert witness)

43. **G: The Background**

44. The Officer commenced service with Lincolnshire Police as a Special Constable on 4th September 2023. Having applied to join the force as a Police Constable, the Officer underwent a drugs test on 11th July 2025. The results, confirmed on 21st July 2025, were positive for cocaine and its metabolite, benzoylecgonine. Cocaine was detected below the applicable cut-off concentration, while its metabolite, benzoylecgonine, was detected above the applicable cut-off concentration.

45. The AA alleged that the results indicated the use of a Class A controlled substance and that the Officer's conduct was capable of undermining trust and public confidence in Lincolnshire Police. It alleged that this breached the Standard of Professional Behaviour relating to Discreditable Conduct and amounted to gross misconduct.

46. In his Regulation 31 response, the Officer did not dispute the test findings but denied that he was, or ever had been, a user of cocaine or any other controlled drug. He maintained that he had never knowingly consumed cocaine.

47. **H: Evidence**

48. The Appropriate Authority's Case

49. The AA opened its case by reference to the Opening Note and the hearing bundle. It invited the Panel to consider all the material relied upon, whether or not it was expressly addressed during the hearing. The AA also referred to the BWV and invited the Panel to review the same.
50. The AA relied on the positive drugs test undertaken as part of the Officer's application to join Lincolnshire Police as a Police Constable. It referred to the screening test and the analyses identifying cocaine and its metabolite, benzoylecgonine.
51. The Panel was directed to the explanation of drug metabolites, set out at page 47 of the Bundle. The AA relied upon that explanation to support its submission that detecting a metabolite in hair was evidence that the drug had entered the body. It further relied on the expert's evidence that, more likely than not, the Officer had used cocaine.
52. The AA outlined the testing process, including the initial screening followed by the confirmatory analyses. It submitted that the reported results exceeded the relevant cut-off level for the metabolite benzoylecgonine and was consistent with cocaine use. It also relied upon the established testing procedures, the independence of the laboratory and the use of cut-off levels as safeguards within the process.
53. The AA referred to the Officer's interview on 6th August 2025, in which he denied knowingly or willingly taking cocaine. It also addressed his account of possible exposure to drugs during his duties, including an incident on 14th June 2025. The AA referred to the expert report as covering an approximate three month period from the end of March to the end of June 2025.
54. In relation to the incident on 14th June 2025, the Officer had described seeing exposed white powder on an item resembling the driver's manual on the passenger seat of a vehicle. He stated that he touched the driver of the vehicle and his property without wearing proper search gloves. The AA referred to this account at page 88 of the Bundle, as well as the associated BWV, in which the individual appeared to be under the influence of a substance.
55. The AA acknowledged that environmental contamination could occur but submitted that it did not explain the Officer's test results. In support of that

submission, it relied upon the location of the hair sample, which had been taken from the underarm rather than the scalp, the protection afforded by clothing worn and decontamination of the sample before analysis. It also referred to the Officer wearing long sleeves in the BWV.

56. The AA submitted that the incident relied upon by the Officer involved ketamine, which was distinct from cocaine and benzoylecgonine. It was submitted that this did not account for the positive results.

57. The AA's case was, therefore, that the positive result, considered alongside the expert evidence and testing procedures, established that the Officer had ingested cocaine rather than merely been exposed to environmental contamination.

58. Evidence of Kirsty Watson: Examination-in-Chief

59. Ms Watson confirmed that she had reviewed her expert witness report, dated 13th August 2025, (pages 27 – 54 of the Bundle) and Helen Milnes's addendum letter, dated 7th November 2025 (pages 55 - 57 of the Bundle). She confirmed the content of both documents was accurate to the best of her knowledge and belief.

60. Ms Watson's opinion was that, more likely than not, the results indicated cocaine ingestion rather than environmental exposure. She relied, in part, on the presence of a cocaine metabolite, which she considered was inconsistent with passive environmental contamination. Ms Watson also relied on the sample's location. The hair had been taken from the underarm, which she considered was protected by clothing and was therefore less likely to have contacted cocaine powder in the environment.

61. Ms Watson explained that the cut-off levels were intended to account for legitimate drug exposure, including occupational exposure by police officers and others who might encounter drugs in the course of their work. They provided a safeguard and were based on research guidance and internationally accepted guidelines.

62. She stated that results exceeding the relevant cut off levels tended to indicate cocaine ingestion rather than environmental exposure.

63. Cross-Examination of Kirsty Watson

64. The Officer questioned Ms Watson about the basis for her conclusion that cocaine ingestion was more likely than environmental exposure. She referred to the metabolite level exceeding the relevant cut-off and the protected location of the underarm hair sample. She explained that “*more likely than not*” meant, in her opinion, ingestion was more probable than environmental exposure.
65. When asked about the possible role of sweat in contamination, Ms Watson explained that sweat could be a factor if the underarm hair had come into contact with the drug. Nonetheless, showering and washing the sample before analysis would reduce the potential for environmental contamination.
66. Ms Watson did not confirm that washing would remove all contamination. She explained that the wash solution could be retained and analysed, in order to investigate contamination further. It was not routinely analysed, although analyses could be undertaken where required.
67. Ms Watson confirmed that she was familiar with the hair analysis technical specification, which provided guidance on testing and established cut-off levels. The Officer sought to question her about a document effective from 25th March 2026, which had been admitted as late evidence that morning. As the document had not been provided to Ms Watson and its relevance had not been properly explained, the Chair did not permit the Officer to question her about it.
68. Ms Watson referred to the relative levels of cocaine and its metabolite. She stated that external contamination would tend to produce a higher cocaine level than metabolite level; whereas the opposite was present in these results. She also explained that the cut-off levels were intended to minimise the risk of positive results arising from environmental exposure.
69. The Officer questioned Ms Watson about the statement in her report, that ‘*It is important to note that hair strand testing should never be regarded as determinative or conclusive with respect to drug use*’ (page 32 of the Bundle) Ms Watson explained that her opinion in this case was not based on the analytical findings in isolation but that she had also used her experience of approximately nine years in this field and had relied on the study set out in the report.

70. Re-Examination of Kirsty Watson

71. In response to questions from Miss Briggs, Ms Watson confirmed that Ms Milnes's addendum letter, dated 7th November 2025, had considered the Officer's account of possible exposure to Ketamine.
72. Ms Watson explained that there were two routes for further investigation where the findings from Sample A were disputed. The retained wash solution could be analysed to investigate possible environmental contamination and Sample B could be sent to an alternative laboratory for analysis so that the results could be compared. Either or both routes could be pursued.
73. At the conclusion of her evidence, Ms Watson was excused by the Chair. The AA concluded its case, relying upon the material in the bundle.
74. Before the Officer began his case, Miss Briggs and DCI Parsons indicated that the Officer wished to ask Ms Watson further questions on a limited issue concerning the material submitted that morning. The AA had no objection to her recall, provided that the questions were confined to that issue.
75. The Chair clarified that the documents submitted by both parties had been admitted. The document in question was effective from 25th March 2026. She informed the parties that its relevance to testing undertaken in 2025, and the weight to be attached to it, were matters for the Panel. In the interests of fairness, and having considered that both parties were in agreement, the Chair permitted Ms Watson to be recalled in order to address the limited issue. Ms Watson was given the opportunity to review the document before questions were put to her.

76. Recall of Kirsty Watson

77. The Officer asked Ms Watson about the measurement of uncertainty stated in the document and whether the same figure applied in 2025. Ms Watson explained that she could not confirm this without seeing the technical specification applicable at that time. She described measurement uncertainty as an indication of the potential variation in results if an analysis were repeated.
78. Ms Watson explained that she had not adjusted the reported results by the stated percentage. The uncertainty figure did not establish whether an individual result was higher or lower than the reported value.

79. In re-examination, Ms Watson confirmed that the sample had undergone screening and confirmatory testing, both of which produced positive results., She also referred to the availability of sample B for further testing if the findings were challenged and reiterated that hair testing results should not be considered in isolation.

80. At the conclusion of this further evidence, Ms Watson was excused. Before inviting the Officer to begin his case, the Chair enquired whether he required an adjournment to prepare. He indicated that he did not. The Chair again explained the process for presenting his case and giving oral evidence. She clarified that she would ask predetermined, neutral questions to assist him in giving his evidence-in-chief, after which the AA would have the opportunity to put its questions to him.

81. The Officer's Case

82. The Officer described his commitment to policing. He explained that participating in a ride-along scheme had been a deciding factor in his wish to join Lincolnshire Police. He recalled receiving positive feedback about his enthusiasm and said that he had lost nearly 15 stones in weight in preparation for the role.

83. The Officer explained that he joined as a Special Constable in 2023 and undertook his first operational shift on 22nd November 2023. He said that he achieved the highest mark in his training cohort and volunteered over 2000 hours over 22 months; substantially exceeding the minimum requirement by approximately seven times. He stated he worked birthdays and bank holidays, participated in drugs operations and carried a workload which, he said, was comparable to that of a regular Police Constable.

84. The Officer said that his duties brought him into frequent contact with drugs, drug users and dealers. He emphasised that he had not identified the incident on 14th June 2025 as the only possible source of contamination. His position was that exposure could have occurred on other occasions during his policing duties.

85. The Officer's Oral Evidence

86. The Officer was directed to his statement at pages 63 to 64 of the Bundle. As he had not read it recently, he was given an opportunity to do so. He confirmed

his signature and that the contents were true and accurate to the best of his knowledge and belief. He adopted the statement as his evidence.

87. When invited to add or clarify anything, he referred to the white powder seen on a manual in the vehicle and a bag of white powder seized from it. He said that these substances had not been tested for cocaine,

88. The Officer also confirmed that the Regulation 31 response at page 117 of the Bundle was his, that its content were true and accurate to the best of his knowledge and belief, and that he wished to adopt it as is evidence. He reiterated that he had never knowingly or willingly taken cocaine.

89. The Officer: Cross-examination

90. The Officer confirmed that the sample tested had been taken from his underarm rather than his head. When it was put to him that he had shaved his head prior to the test, he stated that his head hair had been cut short for a holiday, rather than shaved. When questioned about the cut off levels, he said that he was not a toxicology expert and referred to the qualification in the expert evidence that hair testing was not conclusive in isolation. Asked how his underarm hair might have been exposed, he suggested the locker room while changing.

91. In relation to the incident on 14th June 2025, the Officer accepted that he had not worn gloves and understood their role in protecting against contamination. He explained that he had initially attended a broken-down vehicle, that the driver's actions had caught him off guard and that his immediate priority had been protecting a family.

92. The Officer said that he believed the white powder in the vehicle was cocaine, referring to its appearance on the manual and the presence of rolled up cigarette papers. The Officer was taken to the report at pages 68 to 69 of the Bundle. It was put to him that the driver had been tested for a number of drugs; the outcome of which was there was no evidence of cocaine in his system. In response, the Officer distinguished between the testing of the driver and the testing of the powder. His position was that the absence of cocaine in the test undertaken on the driver did not establish what the powder was, as the powder itself had not been tested.

93. It was put to the Officer that his case was that he was contaminated; but the driver, who was sat next to the passenger seat, was not found to have cocaine in his system. The Officer maintained that the said incident was only one possible occasion of exposure. He referred to his involvement in drugs operations and the sharing of equipment, including keyboards, radio batteries and vehicles. He said that he could not recall or list every occasion during which he had encountered drugs or drugs users. In this regard, he was referred to his duty records covering approximately three months before the test, from late March to late June 2025. The Officer responded by stating that he could not recall every occasion he may have come into contact with drugs as there was no monotony in policing.
94. The Officer was also questioned about the availability of sample B for independent testing. When taken through the e-mail evidence, he accepted that he had been informed that it could be prepared and sent to an independent laboratory and that he had been copied into correspondence concerning its availability for collection.
95. The Officer stated that there had been disagreement over who should meet the cost. He said that his Federation Representative at the time had advised him that the Professional Standards Department should pay the cost. He accepted that it became known to him that the department would not fund the further testing. However, he strongly disagreed that he should have to pay for it himself. He referred to the financial impact of him leaving his previous employment and maintained that he should not have to fund testing connected with the investigation.
96. The Officer clarified that he had left his employment with the Co-operative Group in July 2024 and had been unemployed until January 2025, when he began working as a delivery driver for DPD. He said that he had needed paid employment to support himself and was working for DPD during the three-month period preceding the drugs test, while continuing his policing duties.
97. Throughout his evidence, the Officer maintained that he had never knowingly taken cocaine and believed that the reported results arose from exposure during his policing duties.
98. At the conclusion of the cross examination, the Panel had no further questions. The Chair gave the Officer an opportunity to add anything further and he indicated that he had said everything he could. The Chair then explained the

process for closing submissions, confirming that the AA would make its submissions first and that the Officer would have an opportunity to respond. The Chair invited the Officer to make notes as he considered appropriate.

99. Closing Submissions: The Appropriate Authority

100. Miss Briggs relied on the expert evidence and the safeguards within the testing process. She submitted that the cut-off levels served a protective purpose and were based on internationally accepted guidelines. Although the quantities detected were small, she relied on the washing and screening procedures, the presence of cocaine and its metabolite and the fact that the sample was underarm hair rather than head hair.

101. The AA submitted that, on the expert evidence, it was more likely than not that the Officer had ingested cocaine. The AA stated that there was no other explanation. Miss Briggs referred to the Officer's decision not to pursue independent testing of sample B sample, notwithstanding the cost involved and the fact that he was in employment at the time.

102. Miss Briggs submitted that, if the alleged conduct were proved, it would breach the Discreditable Conduct standard and amount to gross misconduct. She referred to cocaine's status as a controlled substance and argued that its use exposed both the police force and officers themselves to risk. The AA did not dispute the substantial number of hours the Officer had volunteered.

103. Closing Submissions: The Officer

104. Following a short adjournment to prepare, the Officer submitted that the AA's case rested on the test results, without other evidence supporting cocaine use. He referred to the expert evidence that hair testing results should not be considered in isolation and argued that exceeding the reporting threshold did not, by itself, conclusively establish drug use.

105. The Officer relied on Ms Watson's evidence in which she did not confirm that washing the hair sample would remove all contamination. He maintained that environmental exposure remained a possible explanation and that contamination could have occurred over several months. He reiterated that he had never suggested that a single incident was the only possible source of contamination.

106. The Officer referred to his commitment to policing, describing it as his dream job and questioned why he would jeopardise it by taking cocaine. He maintained his denial of ever knowingly taking cocaine and invited the Panel to consider his account of occupational exposure alongside the threshold reported.

107. **I: Findings of Fact**

108. In reaching its findings of fact, the Panel had regard to all the evidence before it. This included the documents contained within the Bundle, including the Regulation 30 notice, the Regulation 31 response and the written expert evidence. The Panel had regard to the BWV and the oral evidence of both the Officer and Ms Watson. The Panel also considered the submissions advanced by both parties. The absence of an express reference to a particular document or piece of evidence in this determination should not be interpreted as not having been carefully considered by the Panel.

109. The Panel received legal advice from the Legally Qualified Adviser (“the LQA”). The Panel reminded itself of the following regulations and guidance when reaching its decision:

- a) The 2020 Regulations including the Standards of Professional Behaviour, set out in Schedule 2.
- b) The 2018 Home Office Guidance on Conduct, Efficiency and Effectiveness (the “HOG”) including Chapter 2, which provides guidance relating to the Standards of Behaviour.

110. Under the Conduct Regulations, the Panel was required to review and determine the facts, establish what, if any, of the Standards of Professional Behaviour have been breached and decide whether the conduct amounted to misconduct, gross misconduct or neither.

111. The burden of proof rests on the Appropriate Authority. The standard of proof is the balance of probabilities. Conduct will be proven on the balance of probabilities if the Panel is satisfied, on the evidence, that it is more likely than not to have occurred. The balance of probabilities is a single unvarying standard; there is no sliding scale.

112. In determining whether the AA has discharged the burden of proof, the Panel must consider the reliability and credibility of the evidence as a whole.

113. Findings must be based on the evidence, including inferences properly drawn from the evidence and not conjecture or speculation. As the decision must be based on the evidence, it is the role of the Panel to determine what evidence is accepted and what evidence is rejected. However, the Panel must be mindful that it is entitled to draw proper inferences. That is, to come to common sense conclusions, based upon the evidence which it accepts as reliable, but it must not speculate. Similarly, it must not speculate about what other evidence there might have been.
114. The Panel can consider any character evidence adduced on behalf of the Officer and weigh this into its assessment of propensity and credibility.
115. Good character can be a positive factor to be taken into account in terms of the Panel's assessment of credibility.
116. A prior good character may also mean that a person is less likely than otherwise might be the case to act as alleged. It may be considered less likely that an erstwhile blameless person has seriously misconducted themselves if they have never done so before.
117. Good character cannot be a defence and the weight the Panel gives those factors is a matter for the Panel.
118. The Standards of Professional Behaviour referred to are set out in Schedule 2 of the Conduct Regulations. The Standard of Professional Behaviour relevant to these proceedings is Discreditable Conduct, which provides:
119. *"Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty."*
120. The Panel also had regard to Paragraph 2.15 of the HOG, which provides:
121. *'Discredit can be brought on the police by an act itself or because public confidence in the police is undermined, or is perceived to be undermined. In general, it should be the actual underlying conduct of the police officer that is considered under the misconduct procedures, whether the conduct occurred on or off-duty...'*
122. Under the Conduct Regulations, misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary

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

123. The Panel's Assessment of the Evidence

124. The Expert Evidence

125. The Panel considered Ms Watson's written report and Ms Milnes's addendum letter. It also considered Ms Watson's oral evidence, including her answers in cross-examination and when recalled. The Panel assessed this evidence as a whole, taking account of the conclusions expressed.

126. The report recorded a positive screening result at page 29 of the Bundle, stating that, *"the results of the screening analysis are positive for cocaine (benzoylecgonine)."* At page 30 of the Bundle, it explained the significance of detecting a cocaine metabolite: *"After cocaine enters the human body, it breaks down to form metabolites such as benzoylecgonine. When a cocaine metabolite is detected in a hair sample, the results are consistent with the use of cocaine."*

127. The Panel considered these statements and distinguished between the presence of a substance and whether its concentration exceeded the applicable cut-off levels. At page 32 of the Bundle, the report stated, *"with respect to the sample from Samuel Toynbee, the metabolite benzoylecgonine has been detected above the cut off concentration and cocaine is present below the cut off concentration."*

128. The Panel noted that the Officer consistently denied knowingly ingesting cocaine. It therefore carefully considered the expert evidence concerning alternative explanations, including passive exposure and environmental contamination. In doing so, the Panel took account of the explanation at page 31 of the Bundle, which provides:

129. *"It has been reported that passive exposure to cocaine through repeated exposure to 'crack' cocaine smoke, sweat contamination from a cocaine user to a non-user, and/or direct contamination (i.e. the drug being in direct contact with the hair by contaminated hands or sweat from a cocaine user) prior to sample collection may potentially result in the presence of detectable levels of drug in the hair tested. When considering potential environmental exposure to cocaine, this tends to become a less important factor when the sample tested has been collected from area of the body that is routinely covered by clothing, such as the underarm, which is relevant in this case."*

130. This explanation was relevant because the Officer's sample had been taken from his underarm. The Panel also considered Ms Watson's response to the Officer's question about whether powder or sweat could contaminate his underarm through the pores in his skin. Miss Watson replied, "*no it would need to be sweat from the user*". The Panel considered this response in the context of her wider evidence about the possible routes of contamination.
131. The Panel also considered the safeguards within the testing process and their relevance to the Officer's account of repeated exposure during his policing duties. The hair was chemically washed before analysis. The primary reason being to remove or minimise external influences. This was relevant to the Officers' account of potential and repeated exposure during his policing duties.
132. The Panel also had regard to the application of suitable cut-off concentrations for the substances being analysed. The written evidence explained that "*a positive result for drug use is not expected to arise unless the drug is used on multiple occasions within the investigated time period covered by a hair sample tested*". The Panel considered this explanation alongside Ms Watson's oral evidence about the purpose of the cut-off levels and their role in accounting for potential occupational exposure.
133. The Panel also considered the detection of both cocaine and its metabolite benzoylecgonine. It recognised the distinction identified in the report: cocaine was detected below its cut-off concentration, while benzoylecgonine was detected above its cut-off concentration. The significance of these findings was considered in light of Ms Watson's explanation of the results.
134. The Panel also considered Ms Milne's addendum letter at page 55 of the Bundle. She stated, "*if cocaine powder is on the fingers, it could potentially be ingested (if the fingers were licked).*" The Panel considered this potential route of ingestion alongside the Officer's account that he had not worn protective gloves during the incident and had touched cigarette papers, keys and other items associated with the vehicle. The letter described a possible mechanism; it did not establish that this had occurred during the incident and there was no evidence presented which supported this means of ingestion.
135. The Panel further considered the studies of workplace exposure discussed in the addendum letter. These reported that the small proportion of

the individuals studied had tested positive for cocaine following repeated workplace exposure. The Panel took account of this evidence when assessing the Officer's explanation.

136. The Panel found the expert witness evidence in the Bundle and Ms Watson's oral evidence to be reliable. The Panel was satisfied that, on balance, it could rely on the expert evidence.

137. **The Officer**

138. The Panel considered the Officer's written and oral evidence carefully. This included his account of his policing duties, his potential exposure to drugs and his consistent denial of knowingly taking cocaine.

139. The Officer was interviewed on 6th August 2025. At page 77 of the Bundle, he was recorded as stating that he had *"never knowingly or willingly or never will take cocaine"*. In the same interview, the Officer described the incident on 14th June 2025 involving a broken down vehicle on the A46. He referred to white powder on the passenger seat and confirmed that he had not worn his protective blue search gloves at the material time.

140. The Officer said that he had come into physical contact with the driver and touched items associated with the vehicle, including the keys and door handle. The Panel viewed the Body Worn Video ("BWV") footage of the incident in full and considered it alongside the Officer's account.

141. The Panel assessed the reliability of the Officer's evidence. It was mindful that the Officer had not had the benefit of legal representation during the misconduct proceedings and was not formally represented by a Federation Representative at the hearing. It nevertheless noted that he had received some Federation support throughout the process.

142. The Panel recognised that the Officer's oral account was consistent with his written account and that he maintained his denial of knowingly taking cocaine throughout the proceedings. It also considered his evidence that he had completed over 2000 hours of policing duties over a period of 22 months. The Panel noted that his explanation for potential contamination was not confined to the incident on 14th June 2025. He relied on the possibility of contamination arising from repeated exposure during his duties.

143. On balance, having considered all the evidence available, the Panel preferred the expert evidence to the Officer's explanation that the results arose from contamination during his policing duties. It recognised the consistency of the Officer's account. However, the Panel assessed these matters alongside the location of the sample, the washing process, the applicable cut-off concentrations and the significance of the detected metabolite. These matters led the Panel to accept the expert evidence that ingestion was more likely than environmental contamination. The Panel did not accept that contamination during the Officer's policing duties explained the test results.

144. **Facts**

145. Fact 1.1

146. *"At all material times SC Toynbee was employed by Lincolnshire Police as a special constable, having commenced employment on 4 September 2023."*

147. Accepted Fact.

148. **Panel Finding: The factual allegation is proven.**

149. Fact 1.2

150. *"Having applied to join Lincolnshire Police as a Police Constable, on 11 July 2025 SC Toynbee was subject to a drug test."*

151. Accepted Fact.

152. **Panel Finding: The factual allegation is proven.**

153. Fact 1.3

154. *"On 21 July 2025, the results of the drug test confirmed SC Toynbee had tested positive for cocaine and the cocaine metabolite benzoylecgonine."*

155. Accepted Fact.

156. **Panel Finding: The factual allegation is proven.**

157. Fact 3.1

158. *“you tested positive during the course of a drugs test which indicated your use of a class A controlled substance”.*

159. For the reasons provided, the Panel found the toxicology results and the expert evidence interpreting them to be reliable. In particular, it relied on the detection of benzoylecgonine above the applicable cut-off concentration, the protected location of the underarm sample and the safeguards within the testing process.

160. The Panel considered the Officer’s consistent denial of knowingly taking cocaine and his explanation of occupational exposure. However, having assessed the evidence in its entirety, the Panel accepted the expert opinion that ingestion was more likely than environmental contamination. The Panel was therefore satisfied, on the balance of probabilities, that the Officer had used cocaine and that the AA had proven this factual allegation.

161. Denied Fact.

162. **Panel Finding: The factual allegation is proven.**

163. **J: Breach of Standards of Professional Behaviour**

164. *“3.2 Your conduct would undermine the trust and confidence in your and the police force as a whole.”*

165. Having found the factual allegations proven, the Panel considered whether the conduct established amounted to a breach of the Standard of Professional Behaviour concerning Discreditable Conduct.

166. The Standard of Discreditable Conduct requires police officers to behave in a manner which does not discredit the police service or undermine public confidence in the police service. The Panel found that the Officer's use of cocaine, a Class A controlled substance, was inconsistent with his responsibilities as a police officer, including upholding the law. The Panel found such conduct undermined the trust that the public is entitled to place in police officers and confidence in the police service as a whole. The Panel therefore found paragraph 3.2 of the Regulation 30 notice proven and concluded that the Officer had breached this standard.

167. **Panel Finding: The Standard of Professional Behaviour concerning Discreditable Conduct is proven.**

168. **K: Decision on Misconduct, Gross Misconduct or Neither**

169. On balance, having regard to the breach of the Professional Standard, the Panel determined that the seriousness of the breach could justify dismissal. As such, the Panel determined the conduct constituted gross misconduct.

170. **Panel Finding: Gross Misconduct is Proven.**

171. **L: Decision on Outcome**

172. The Officer did not attend the following day for the outcome stage of the hearing. His intention not to attend was confirmed through his Federation representative. To facilitate his participation, the Chair invited him to join remotely via Microsoft Teams and/or provide written submissions. The Officer declined. The Panel heard submissions on behalf of the AA and had regard to the Officer's record of police service and antecedents; as well as the character references submitted on his behalf.

173. In determining the appropriate outcome, the Panel applied the structured approach set out within the 'Guidance on Outcomes in Police Misconduct Proceedings', as issued by the College of Policing. The Panel:

1. Assessed the seriousness of the misconduct.
2. Kept in mind the purpose of imposing sanctions.
3. Chose the sanction which most appropriately fulfilled the purpose of imposing sanctions in light of the seriousness of the Officer's conduct.

174. **M: Seriousness of Misconduct**

175. The Panel reminded itself that seriousness is assessed by considering culpability, the harm caused and the existence of any aggravating and mitigating factors.

176. **Culpability**

177. In assessing the seriousness of the misconduct, the Panel considered the level of culpability. The Panel found that the conduct, namely, the ingestion of a Class A drug, was a deliberate and reckless act. The positive test was a significant breach of professional standards given that the Officer was a

serving officer at the material time. The Panel found that the level of culpability was high.

178. **Harm**

179. In assessing harm, the Panel took into account paragraph 4.66 of the College of Policing Guidance, which provides:

180. *"Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims."*

181. The Panel found that the Officer's conduct would cause serious harm to public confidence in policing if the circumstances were known to the public. His use of cocaine would undermine community trust and damage the reputation of the force. The conduct also undermined discipline and good order within the police service. The absence of an identified individual victim did not lessen the seriousness of that harm. For these reasons, the level of harm was found to be serious.

182. **Aggravating Factors**

183. In considering aggravating factors, the Panel found that, as a Special Constable, the Officer was in a position of authority. Although he consistently accepted that the drug test was positive, he repeatedly denied knowingly ingesting cocaine. The Panel found that this denial was dishonest and treated it as an aggravating factor.

184. **Mitigating Factors**

185. The Panel reminded itself that mitigating factors do not excuse misconduct but may reduce the overall seriousness of the conduct. The Panel took into account that the allegation arose from one drugs test which was positive.

186. **Overall Seriousness Outcome**

187. For the reasons provided, the Panel determined that the overall seriousness of the misconduct was high.

188. **N: Personal Mitigation**

189. The Panel considered the character references. It noted that these were provided by both colleagues and leaders within Lincolnshire Police. The Panel accepted that the hours the Officer volunteered to the force were 7 times in excess of what was expected of him and considered this to be commendable.

190. The Panel took into account the testimonials provided on behalf of the Officer. However, consistent with the College of Policing Guidance and the observations of Mr Justice Burnett in *Salter v The Chief Constable of Dorset* [2012] EWCA Civ 1047, the Panel recognised that, although this personal mitigation was relevant, its impact was limited. This is because of the need to maintain public confidence in the police.

191. **O: The Threefold Purpose**

192. Before determining the appropriate outcome, the Panel reminded itself that the purpose of misconduct proceedings was not to punish the Officer but to protect the wider public interest. In doing so, the Panel had regard to the College of Policing Guidance on Outcomes, including the authorities cited therein and to the threefold purpose of disciplinary proceedings; namely:

- Maintaining public confidence in and the reputation of the police service
- Upholding the high standards in policing and deterring misconduct and
- Protecting the public

193. The Panel also attached weight to the authorities cited within paragraphs 2.4 and 2.7 of the College of Policing Guidance, including *Bolton v Law Society* [1994] 1 WLR 512, *Redgrave v Commissioner of Police of the Metropolis* [2003] 1 WLR 1136, *R (Green) v Police Complaints Authority* [2004] UKHL 6, *R (Coke-Wallis) v Institute of Chartered Accountants* [2011] UKSC and *Raschid v General Medical Council* [2007] 1 WLR 1460.

194. In determining the appropriate outcome, the Panel applied these principles to the facts of the case. The Panel was mindful that the outcome must maintain public confidence in, and the reputation of, the police service,

uphold the high standards expected of police officers and deter similar conduct whilst protecting the public. In determining the appropriate outcome, the Panel took into account the principles of proportionality and weighed the interests of the public with those of the Officer. The Panel bore in mind that its central concern was the reputation and standing of the profession rather than the punishment of the Officer.

195. **P: Selecting Available Outcomes; The Least Serious First**

196. Two outcomes were available to the Panel and these were:

- 1) Written warning
- 2) Dismissal without notice

197. The Panel first considered the least serious available outcome, namely, a final written warning. In doing so, the Panel took into account that this was an isolated incident of a failed drugs test within a career spanning two years. The Panel also took into consideration the Officer's good disciplinary record. However, having balanced these features against the seriousness of the proven gross misconduct, the Panel was not satisfied that a final written warning was a sanction which most appropriately fulfilled the purposes of the police misconduct regime. The Panel was not satisfied that a final written warning would be sufficient to maintain public confidence in, and the reputation of, the police service or uphold the high standards expected of police officers.

198. Accordingly, the Panel was not satisfied that a final written warning was the least severe outcome capable of achieving the legitimate purposes of the police misconduct regime. The Panel did not find any exceptional circumstances to justify a final written warning.

199. Given the Panel's findings concerning the seriousness of the Officer's conduct, the Panel determined that the only sanction capable of satisfying the purposes of the police misconduct proceedings was dismissal without notice.

200. **Q: Right of Appeal**

201. In accordance with Regulation 43(2), the AA shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal ("PAT"). The PAT may increase or decrease any penalty or overturn this decision.

Charley Rimmer

Chair Police Misconduct Panel

9 October 2026