

MISCONDUCT HEARING OF PC BENVENUTO PICONE

HELD AT MERSEYSIDE POLICE HEADQUARTERS ON 2 JULY 2026

RECORD OF DETERMINATIONS

Introduction

1. This is the record of determinations made by a panel at misconduct proceedings brought under the Police (Conduct) Regulations 2020, as amended ("the Regulations"), against PC Benvenuto Picone ("PC Picone").

Attendance and representation

2. At this hearing the Appropriate Authority ("AA") was represented by Mr Reed of Counsel. PC Picone, who was present for the first part of the hearing, was represented by Miss Barlow of Counsel.

The allegation

3. The panel was referred by Mr Reed to a Regulation 30 notice which set out the relevant allegations brought by the AA in the following terms:

"3. Being an officer of the Merseyside Police in October 2022 you breached the Standards of Professional Behaviour as set out in Schedule 2 to the Police (Conduct) Regulations 2020 in that.

Particulars of Fact

- 3.1 In October 2022 you applied for a loan from Santander Bank, in [Person A's] name
- 3.2 On the 21 October she received an e mail from Santander Bank, telling her that the application had been refused.
- 3.3 She challenged you about this saying "*you didn't tell me you were going for another one? that's enough with loans now, its not working out and my credit history is fucking up, that's why this one has been declined*" and you admitted making the application saying in a Whats App message "*I tried to do a joint and it just wasn't happening. So I just went with yours*" to which she responded "*Yeh but babe I specifically said don't just do mine cos I'll get knocked back. Now I have failed loan applications on my credit history*"

Particulars of Misconduct

You said behaviour is in breach of the Standards of Professional Behaviour of

Honesty and Integrity: in that you dishonestly and without any integrity purported to be [Person A] to Santander bank and furthermore you made the application knowing that [Person A] had not consented to it.

4. Being an officer of the Merseyside Police on divers dates between April 2022 and November 2023 you breached the Standards of Professional Behaviour as set out in Schedule 2 to the Police (Conduct) Regulations 2020 in that:

Particulars of Fact

Background: -

4.1 You joined Merseyside Police on 1 March 2021 and were attested as an officer on 9 March 2021.

4.2 Your entry method was the PDGA route, which involved a programme of Study with Liverpool John Moores University

4.3 As part of your programme of study you had to submit assignments and a dissertation.

Incidents

4.4 Save for one assignment that you had to complete by yourself as it was a presentation on camera that you had to record, [Person A] completed all your assignments for you including your dissertation:

4.5 This is evidenced by the messages between you which are in the bundle examples of which are as follows:

- a. 29.4.2022
 - i. BP "are you sending it over to me yet"
 - ii. [Person A] "Na not finished yet"
 - iii. [Person A] "works kicking off and I'm doing a uni assignment"
[Person A] "I've completed it with everything you need but I'm 200 words over"
 - iv. [Person A]: "2475 done"
 - v. BP: "well thank you very much I should get home in time to look over it"
 - vi. Later BP sends a screen shot with his grade and the comment "girl your purposely getting me shit marks"
- b. 11.07.2022
- c. 12.08.2022
 - i. BP: "Got a f**ing assignment due today"
 - ii. [Person A]: responds with a screen shot of due dates and a comment "its due on the 19"
- d. 17.08.2022
 - i. BP: " Have and assignment too"
 - ii. [Person A]: " I know babe I'm doing it tonight"
 - iii. BP: "sweet, nice one"
- e. 14.05.2023
 - i. [Person A]: "I don't have to do you assignment tonight do I now that its due 22?"
 - ii. BP: "no but you can look at it for a couple of hours got something in place"

- iii. Following questioning from BP re drone deployments and the highest deployment not being included in the assignment [Person A] responds "yeh I've not spoken about the highest level cos it was missing persons and if I remember rightly that was not relevant to the question"
- f. 23.11.2023
 - i. [Person A] "well I dno about the man hours I put into that dissertation, lost 2 "weeks of my life, I should be re imbursed for my annual leave"
 - ii. [Person A] "its all double spaced, don't fuck about with that. I checked all the formatting before I sent it over underlines heading"
 - iii. BP: "Na its boss nice one"
 - iv. [Person A] "Checked the number for tables and figures little shitty bits like that, defo 2:1 material that if not a first but your lecturers are harsher than mine were"
 - v. BP" Just send me whats done now so I can get it up, just send it to my normal e mail and I'll send it to my uni"
 - vi. And later BP"Yer I know but can you just send me the draft so I've got something to look at...."
 - vii. [Person A] "Sent but don't upload that one"

Particulars of Misconduct

Yours said behaviour is in breach of the Standards of Professional Behaviour of

Honestly and Integrity: In that you dishonestly and without integrity submitted assignments and a dissertation to Liverpool John Moores University, that you represented that you had completed, when in fact they were completed by [Person A], and that this led to you being awarded a degree.

Discreditable Conduct: In that in passing off [Person A]'s work as your own in order to get an academic qualification you have acted in a manner that has the propensity to bring the police service into disrepute."

4. Mr Reed informed the panel that the other allegations contained in the Regulation 30 notice were no longer being pursued and had been withdrawn from the panel's consideration.

Regulation 31 response

5. The panel had sight of PC Picone's initial Regulation 31 response (undated), and was referred during the hearing by Miss Barlow to a further Regulation 31 response dated 2 July 2026. This latter document stated that:
 - a. paragraph 3 of the Regulation 30 notice was admitted;
 - b. paragraph 4 of the Regulation 30 notice was admitted "save that [Person A] did not complete all assignments. However, it is admitted that she either completed or provided a significant contribution to many of the assignments and did complete the dissertation".

- c. "The breach of the standards alleged is accepted, as is their categorisation as gross misconduct".
6. Under the heading "Mitigation", PC Picone's further Regulation 31 response stated that the conduct he admitted under paragraph 3 of the Regulation 30 notice "arose against a background of:
 - a. Significant financial difficulty as a result of general living expenses and the cost of home improvements.
 - b. A history of the couple applying for loans in both their own names and jointly. On this occasion [Person A] had not given specific consent for the application to be made but the Officer had made an assumption based on the history that she would not take issue with it.
 - c. It is accepted that Santander were not made aware that the application above was not being made by [Person A]."
7. PC Picone's further Regulation 31 response also acknowledged that he "submitted/allowed to be submitted work that was either not his own or was not all his own" and that he "did not make the University aware of this", but also noted that:
 - a. "[Person A] offered to assist him, in particular as he struggled [REDACTED]
 - b. "[Person A] would oversee and proof-read work that he had completed and would critique it. She would suggest that it was not up to standard and that she could improve the work and that the Officer should be aiming for a "first". He felt pressure to improve and obtain the best degree that he could and would therefore allow work that was not his own/entirely his own to be submitted".

The panel's approach

8. The panel took the following approach:
 - a. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA;
 - b. Second, to determine whether those facts found proved constituted one or more breach(es) of the relevant Standards;
 - c. Third, to determine whether the conduct found proven against PC Picone amounted to misconduct or gross misconduct;
 - d. Fourth, if appropriate, to decide what the outcome should be.
9. The panel reminded itself that the burden of proof is on the AA throughout and that the standard of proof is the balance of probabilities, namely what is more likely than not.
10. The panel also reminded itself of the Home Office Guidance and, in particular, paragraph 9.10 which reads as follows: "In deciding matters of fact, the persons conducting the misconduct meeting or hearing must apply the standard of proof required in civil cases, that is, the balance of probabilities. Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the

conduct occurred. The balance of probabilities is a single unvarying standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the officer do not require a different standard of proof, merely appropriately careful consideration by the panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred.”

11. The panel had before it a bundle of evidence adduced by the AA. In addition it was provided during the hearing with a number of additional items of evidence including screenshots of messages between PC Picone and Person A; videos of interactions between PC Picone and Person A; and screenshots of messages in relation to an incident in which PC Picone and colleagues were said to have “displayed courage and selfless behaviour in the face of adversity and good team work”.
12. The panel heard no oral evidence during the hearing.

The panel’s findings

Alleged facts

Paragraph 3

13. The panel noted PC Picone’s admission to allegation 3, which it considered both proper and unequivocal and wholly consistent with the evidence before it.
14. The panel therefore found allegation 3 proved in its entirety.

Paragraph 4

15. The panel further noted PC Picone’s admission to allegation 4. This was subject to the caveat that Person A “did not complete all assignments” but rather “either completed or provided a significant contribution to many of the assignments and did complete the dissertation”. Both parties agreed that this was not a material averment.
16. Being satisfied that PC Picone’s admission to allegation 4 was both proper and unequivocal, the panel found it proved on the basis that Person A completed or provided a significant contribution to many of the relevant assignments and did complete the dissertation.

Alleged breaches

17. Having made its findings of fact, the panel then went on to consider whether those relevant facts it had found proved amounted to breaches of one or more of the Standards of Professional Behaviour identified in the Regulation 30 notice.

18. The AA alleged that PC Picone's conduct breached the Standards relating to Honesty and Integrity; and Discreditable Conduct.
19. PC Picone admitted that his conduct in relation to allegation 3 amounted to a breach of the Standard relating to Honesty and Integrity on the basis alleged by the AA, namely that he "dishonestly and without any integrity purported to be [Person A] to Santander bank and furthermore [he] made the application knowing that [Person A] had not consented to it". The panel considered this admission to be properly made and unequivocal, and agreed with its substance: although it accepted PC Picone's submission within his Regulation 31 response that he assumed that Person A "would not take issue with" his loan application in her name, it was clear that he also knew that she had not in fact consented to it and nevertheless purported to be her within the application he submitted to Santander. The panel had no doubt, and agreed with PC Picone, that such conduct must be considered dishonest. It therefore found PC Picone's conduct in relation to allegation 3 to amount to a breach of the Standard relating to Honesty and Integrity.
20. PC Picone also admitted that his conduct in relation to allegation 4 amounted to a breach of the Standard relating to Honesty and Integrity on the basis alleged by the AA, namely that he "dishonestly and without integrity submitted assignments and a dissertation to Liverpool John Moores University, that [he] represented that [he] had completed, when in fact they were completed by [Person A], and that this led to [him] being awarded a degree". The panel considered this admission to be properly made, unequivocal, and wholly consistent with the evidence before it. It agreed with PC Picone that such conduct must be considered dishonest, and therefore found PC Picone's conduct in relation to allegation 4 to amount to a breach of the Standard relating to Honesty and Integrity also.
21. Finally, PC Picone admitted that his conduct in relation to allegation 4 also amounted to a breach of the Standard relating to Discreditable Conduct on the basis alleged by the AA, namely that "in passing off [Person A's] work as [his] own in order to get an academic qualification [he] acted in a manner that has the propensity to bring the police service into disrepute". The panel found this admission to be properly made, unequivocal, and wholly consistent with the evidence before it, and agreed: it was, in the panel's view, undisputable that PC Picone's conduct under allegation 4 would, if widely known, bring the police service into disrepute. It therefore found PC Picone's conduct in relation to allegation 4 to amount to a breach of the Standard relating to Discreditable Conduct.

Gross Misconduct/Misconduct

22. Having found breaches of the Standards as set out above, the panel has carefully considered whether those breaches amounted to gross misconduct, misconduct or neither. Under the Regulations, misconduct means a breach of the Standards that is so serious as to justify disciplinary action and gross misconduct means a breach of the Standards that is so serious as to justify dismissal (Regulation 2(1)).

23. The panel reminded itself of the full circumstances of this case and the breaches of the Standards that it has found.
24. PC Picone admitted that his conduct under allegations 3 and 4 amounted to gross misconduct. The panel was satisfied that this admission was properly made and unequivocal, and agreed with PC Picone's assessment: in its view his conduct in both respects involved a high level of culpability and had very significant potential adversely to affect public confidence in policing. It therefore found his conduct to amount to gross misconduct.

Outcome

Principles

25. In considering the appropriate disciplinary outcome the panel reminded itself of, and reviewed, the latest version of the Outcomes Guidance.
26. It also considered the three-stage, structured approach in *Fuglers LLP v SRA* [2014] EWHC 179 (Admin) when assessing outcome, at paragraph 28:

"There are three stages to the approach which should be adopted by a Solicitors Disciplinary Tribunal in determining sanction. The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question."
27. This three-stage approach is reflected in the Outcomes Guidance. As to the first stage (seriousness), the Outcomes Guidance directs attention to four central reference points, as stated in *Fuglers* at paragraph 29 and now repeated in the Outcomes Guidance at part 4:
 - a. The officer's culpability for the misconduct;
 - b. The harm caused by the misconduct;
 - c. The existence of any aggravating factors;
 - d. The existence of any mitigating factors.
28. The second stage requires the panel to keep in mind the threefold purpose of the police misconduct regime, namely to:
 - a. maintain public confidence in and the reputation of the police service;
 - b. uphold high standards in policing and deter misconduct;
 - c. protect the public.
29. As set out in part 4 of the Outcomes Guidance: "The most important purpose of imposing disciplinary sanctions is to maintain public confidence in and the reputation of the policing profession as a whole. This dual objective must take precedence over the specific impact that the sanction has on the individual whose misconduct is being sanctioned".

30. The panel reminded itself that the object of misconduct proceedings is not to punish police officers and that it should consider less severe outcomes before more severe outcomes, choosing the least severe outcome which adequately addresses the issues identified while protecting the public interest. It has kept in mind the purpose of imposing sanctions and the need to choose a sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Matters relevant to outcome

31. The panel has considered all of the relevant evidence in this case and the entirety of the factual context. This included evidence relating to PC Picone's record of service and good character.
32. The panel noted that the evidence before it included some references to other concerns about PC Picone's conduct. Given that those concerns had not been considered at a hearing and were disputed on behalf of PC Picone, and having heard no material submissions in relation to them on behalf of the AA, the panel recognised their potential prejudicial effect and determined to disregard them for the purposes of considering the appropriate outcome.
33. The panel also carefully considered the submissions of both parties, for which it was grateful.

Culpability

34. As to PC Picone's culpability, the panel considered the following matters listed in the Outcomes Guidance to be relevant:
- a. PC Picone's conduct was intentional, deliberate and planned (Outcomes Guidance, paragraph 4.10).
 - b. PC Picone's conduct involved misconduct which the Outcomes Guidance specifically states "should be considered especially serious" (Outcomes Guidance, paragraph 4.14):
 - a. Although not the subject of a criminal charge, it was criminal in nature – namely fraud (Outcomes Guidance, paragraph 4.23).
 - b. In completing a fraudulent loan application it involved dishonest conduct which the Outcomes Guidance specifically states "will be at the more serious end of the spectrum of off-duty dishonesty", and had clear propensity to cause the policing profession to be called into disrepute (Outcomes Guidance, paragraph 4.32).
35. It therefore considered PC Picone's culpability to be high.

Harm

36. As to the harm caused by PC Picone's conduct, the panel accepted that there was no evidence before it as to any actual harm suffered by any individual or group.

37. Nevertheless, the panel considered that it had significant potential to undermine public confidence in policing (Outcomes Guidance, paragraphs 4.66 and 4.69). The issue of police officers acting dishonestly is unquestionably a matter of national concern (Outcomes Guidance, paragraphs 4.70 and 4.71). The panel was in no doubt that PC Picone's wrongdoing is unequivocally relevant to the standing and impact of the profession as a whole (Outcomes Guidance, paragraph 4.74).
38. The panel therefore considered the level of harm that could result from PC Picone's proven conduct to be towards the higher end of the spectrum.

Aggravating and mitigating factors

39. The panel then considered the relevant aggravating and mitigating factors listed in the Outcomes Guidance, discounting those already accounted for in its assessment of PC Picone's culpability and the harm that could result from his proven conduct.
40. It considered the following aggravating factors to be relevant:
- a. PC Picone's conduct, in two different contexts (a loan application and the pursuit of his academic studies and indeed employment), was for the purposes of personal advantage.
 - b. PC Picone's conduct involved repeated acts of dishonesty.
 - c. PC Picone's behaviour continued after he should have realised that it was improper.
 - d. PC Picone's proven conduct involved a number of breaches of the Standards of Professional Behaviour.
41. It considered the following mitigating factors to be relevant:
- a. PC Picone's admissions at the outset of this hearing prevented Person A from having to give oral evidence.
42. The panel also took into account the personal character evidence adduced on PC Picone's behalf. It noted that there was no evidence of any prior incidents of misconduct and that he had been commended in the past for his conduct. Nevertheless it noted the guidance at paragraph 6.4 of the Outcomes Guidance that the weight to be given to these factors (relating to personal mitigation) was necessarily limited.

The purpose of imposing sanctions

43. The panel kept in mind the purpose of imposing sanctions, namely:
- a. To maintain public confidence in, and the reputation of, the police service;
 - b. To uphold high standards in policing and to deter misconduct; and
 - c. To protect the public.

Conclusion

44. The panel has already explained its conclusion that the level of both PC Picone's culpability and the harm liable to be caused by his wrongdoing was high. There were a number of aggravating factors present, whereas the seriousness of his conduct was not mitigated to any significant degree.
45. In determining the appropriate disciplinary outcome, the panel first considered whether a Final Written Warning would maintain public confidence in and the reputation of the police service, uphold high standards in policing and deter misconduct, and protect the public. In all the circumstances, in the light of its findings as to seriousness – and in particular the high level of culpability involved, and the significant potential for harm to public confidence in Merseyside Police – the panel concluded that a Final Written Warning would not be sufficient to satisfy these purposes.
46. In the panel's view the only appropriate outcome in all the circumstances was dismissal without notice. PC Picone's repeated misconduct was directly, and highly, relevant to the public standing and reputation of Merseyside Police. The panel had no doubt that it would be considered deplorable by reasonable and intelligent members of the public and fellow officers who were informed of the relevant circumstances. In the panel's view, it was wholly incompatible with his continuing service as an officer with Merseyside Police.
47. Accordingly, the panel was satisfied that the need to maintain public confidence in and the reputation of the police service, uphold high professional standards and deter misconduct, and protect the public, officers and staff by preventing similar misconduct in the future is appropriately, and necessarily, served by the outcome of dismissal without notice. PC Picone should also be added to the barred list.
48. PC Picone has the right to appeal to the Police Appeals Tribunal. Notice of appeal must be given within 10 working days of the receipt of this report.
49. That concludes the panel's determinations.

Jonathan Roy
Chair

Chris Lindley
IPM

Mansoor Shah
IPM

9 July 2026