

PRESS RELEASE

6 October 2026

Donald Burgess: Sussex Police officers who used PAVA spray, a baton and Taser on 92 year-old care home resident dismissed without notice

Today, a police disciplinary panel has concluded that the actions of two police officers who used PAVA spray, a baton and Taser on a disabled 92 year-old care home resident amounted to gross misconduct. Both officers have been dismissed from Sussex Police without notice and added to the Barred List, meaning they will not be in a position to work as police officers in the future.

The events giving rise to their dismissal occurred on 21 June 2022 when PC Stephen Smith and PC Rachel Comotto were called to an incident at Park Beck care home concerning Donald, who appeared to be experiencing agitation. Upon their arrival, Donald had been relocated to his bedroom by care home staff and was sitting in his wheelchair holding a round-pointed adapted cutlery knife. The officers entered Donald's bedroom without attempting to gather any information about the preceding events or about Donald's condition from the care home staff. They did not take any steps to explain their presence to Donald, nor did they employ de-escalation tactics but instead immediately threatened and then executed significant force against the elderly man.

The officers' interaction with Donald lasted only 80 seconds, during which PAVA incapacitant spray, a baton and a Taser were used on the 92-year-old.

Donald was handcuffed by officers and thereafter conveyed to hospital, where he died three weeks later, then aged 93, on 13 July 2022.

In May 2025, the two officers were acquitted of assault occasioning actual bodily harm, following a trial at Southwark Crown Court. They have, however, now been dismissed from the force and barred from working as police officers.

The family of Donald Burgess said:

"Today has been a difficult day for our family, bringing back the pain of what happened to Donald.

Donald was suffering from a UTI, delirium and dementia at the time of the incident.

We remain concerned that opportunities to de-escalate the situation were missed, including the fact that family members who lived nearby were not contacted by the staff at Park Beck nursing home before the police were called.

Over the last few years, we have had to relive these events through both the Crown Court trial and the misconduct hearing.

We were disappointed to hear evidence that PC Smith would not act differently in similar circumstances in the future, and we remain concerned by the level of insight and remorse shown. We also continue to have concerns about PC Comotto's actions during the incident and her conduct afterwards.

Bhatt Murphy Solicitors

While we welcome the Panel's decision to dismiss PC Smith and PC Comotto for gross misconduct, this will not change what Donald experienced.

Donald was a much-loved family man. We want him to be remembered for the life he lived, not simply for the events that brought us to this point."

Mavi Salvatori, at Bhatt Murphy, solicitor for the family said:

"Today's outcome is the culmination of a lengthy and painful process for our clients during which they have shown incredible resilience and perseverance. However, their struggle to understand all the facts and circumstances surrounding Donald's death is still not at an end. There remain unanswered questions about the circumstances of the force used by these officers, the actions of the care home, and the policies and procedures adopted by Sussex Police at the relevant time. We have therefore made submissions to the Coroner on our clients' behalf that the inquest into Donald's death should be resumed so that the family can be assured that all the circumstances that led to Donald's tragic death are properly examined."

NOTES TO EDITORS

For further information or request for comment please contact Bhatt Murphy on 020 7729 1115 or media@bhattmurphy.co.uk

The family is represented by Michael Oswald and Mavi Salvatori of Bhatt Murphy.