# Two Sussex police officers acquitted after force used on 92-year-old amputee but face misconduct hearings



Two police officers have been acquitted of assault following a controversial incident involving a 92-year-old man at a care home. PC Stephen Smith, 51, and PC Rachel Comotto, 36, faced prosecution for their use of force on Donald Burgess, a wheelchair-bound amputee, during a confrontation at Park Beck care home in St Leonards-on-Sea, East Sussex, in June 2022. Despite their acquittal, both officers are now subject to gross misconduct hearings, underlining the ongoing scrutiny surrounding the treatment of vulnerable individuals by law enforcement.

The jury at Southwark Crown Court cleared Smith of two counts of assault causing actual bodily harm, related to his deployment of Pava pepper spray and a baton, while Comotto was found not guilty of deploying her Taser. The incident in question, which resulted in Burgess being taken to hospital, has reignited discussions about the appropriateness of police tactics in handling situations involving elderly individuals with medical vulnerabilities. Speaking after the verdict, Sussex police's assistant chief constable, Paul Court, expressed his understanding of public concerns, stating, "I recognise and understand the impact that this case has had on public confidence."

The events at Park Beck care home unfolded following a call to emergency services, prompted by Burgess reportedly threatening staff with a knife he had been given to cut his food. The court heard that his behaviour, which was deemed "out of character," stemmed from delirium caused by a urinary tract infection, according to Judge Hehir. This context raises ethical questions about the police’s response and the decision-making processes involved in such high-stress situations. Critics have suggested that the use of Taser and pepper spray against a senior citizen—a one-legged individual at that—signals a troubling trend in policing, particularly concerning the elderly and vulnerable.

The Independent Office for Police Conduct (IOPC) has indicated it will work alongside Sussex Police for the upcoming misconduct inquiries. The officers will be questioned regarding their adherence to police standards of professional behaviour that pertain to the use of force, as well as issues of authority and respect. Additionally, Comotto faces misconduct allegations related to remarks made on social media after the incident, further complicating an already sensitive situation.

This case echoes issues highlighted internationally, such as a recent incident in New South Wales, Australia, where a 95-year-old woman with dementia was Tasered, leading to fatal consequences. Both events reflect growing concerns about the deployment of force in the care settings for vulnerable individuals, raising critical questions about police training and the ethical responsibilities of officers engaging with such populations. The discourse around these incidents suggests a pressing need for enhanced protocols surrounding the use of force, specifically tailored to protect those who are disproportionately vulnerable.

As the situation develops, it remains to be seen how these misconduct hearings will shape the future conduct of police interactions with individuals in care facilities. The cases highlight not only the complexities involved in policing but also the urgent need for reforms that safeguard the rights and dignity of the most vulnerable in society.

## Reference Map:

* Paragraph 1 – [[1]](https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man), [[2]](https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man)
* Paragraph 2 – [[1]](https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man), [[3]](https://news.sky.com/story/police-pepper-sprayed-then-tasered-one-legged-93-year-old-man-who-later-died-prompting-investigation-12665534)
* Paragraph 3 – [[4]](https://www.theguardian.com/uk-news/2022/aug/04/sussex-police-officers-investigated-over-death-of-man-93-after-being-tasered), [[5]](https://www.theguardian.com/australia-news/2023/may/19/homicide-squad-officers-to-investigate-senior-constables-tasering-of-95-year-old-aged-care-resident)
* Paragraph 4 – [[2]](https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man), [[6]](https://www.cbsnews.com/news/clare-nowland-death-australia-police-kristian-white-taser-manslaughter/)
* Paragraph 5 – [[7]](https://www.theguardian.com/australia-news/2023/may/19/homicide-squad-officers-to-investigate-senior-constables-tasering-of-95-year-old-aged-care-resident)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man> - Please view link - unable to able to access data
2. <https://www.theguardian.com/uk-news/2025/may/28/police-officers-cleared-assault-against-one-legged-92-year-old-man> - Two police officers, PC Stephen Smith and PC Rachel Comotto, were acquitted of assault charges after using a Taser and synthetic pepper spray on 92-year-old Donald Burgess at Park Beck care home in East Sussex in June 2022. Despite the acquittal, they will face gross misconduct hearings. The incident occurred when Burgess, a single-leg amputee and wheelchair user, allegedly threatened staff with a knife. The officers' actions have raised concerns about the use of force against vulnerable individuals in care settings.
3. <https://news.sky.com/story/police-pepper-sprayed-then-tasered-one-legged-93-year-old-man-who-later-died-prompting-investigation-12665534> - An investigation was launched after two police officers used a Taser and pepper spray on 93-year-old Donald Burgess at a care home in East Sussex. The incident occurred when Burgess, who had one leg and was in a wheelchair, allegedly threatened staff with a knife. He was taken to hospital and died three weeks later. The officers have been served with gross misconduct notices and are under investigation for manslaughter. The case has raised questions about the use of force against elderly individuals in care homes.
4. <https://www.theguardian.com/uk-news/2022/aug/04/sussex-police-officers-investigated-over-death-of-man-93-after-being-tasered> - Sussex police officers are under investigation for manslaughter after 93-year-old Donald Burgess died three weeks after being Tasered. The incident occurred when officers responded to reports that Burgess, who had one leg and dementia, was threatening staff with a knife at a care home in East Sussex. The officers used a Taser, incapacitant spray, and a baton to subdue him. Burgess was handcuffed and taken to hospital, where he died on 13 July. The Independent Office for Police Conduct is reviewing the case.
5. <https://www.theguardian.com/australia-news/2023/may/19/homicide-squad-officers-to-investigate-senior-constables-tasering-of-95-year-old-aged-care-resident> - A 95-year-old woman with dementia, Clare Nowland, was Tasered by a New South Wales police officer at a care facility in Cooma. Nowland, who was using a walking frame and holding a knife, was approached by officers. The officer deployed a Taser, causing her to fall and sustain life-threatening injuries. The incident has prompted an investigation by the homicide squad, and the officer's duty status is under review. The case has raised concerns about the use of force against elderly individuals in care homes.
6. <https://www.cbsnews.com/news/clare-nowland-death-australia-police-kristian-white-taser-manslaughter/> - Kristian James Samuel White, a New South Wales police officer, was found guilty of manslaughter after using a Taser on 95-year-old Clare Nowland, a dementia patient at a nursing home. The incident occurred in May 2023 when Nowland, who used a walker, refused to drop a steak knife. After being Tasered by White, Nowland fell, hit her head, and subsequently died a week later. Despite arguments by White's defense that the Taser use was justified, the jury concluded it was excessive, leading to her death.
7. <https://www.theguardian.com/australia-news/2023/may/19/homicide-squad-officers-to-investigate-senior-constables-tasering-of-95-year-old-aged-care-resident> - A frail, 95-year-old woman was approached by police officers at a care facility in Cooma, New South Wales. Using a walking frame and holding a knife, Clare Nowland was Tasered by a senior constable, causing her to fall and sustain life-threatening injuries. The incident has prompted an investigation by the homicide squad, and the officer's duty status is under review. The case has raised concerns about the use of force against elderly individuals in care homes and the appropriateness of Taser deployment in such situations.