



## Kevin Baumber

Call: 1998

Kevin is a senior practitioner with particular expertise in criminal law, inquests and public inquiries, professional discipline, and all matters relating to police law.

He conducts judicial reviews shaping police law and professional discipline law, advises the Police Federation nationally and is routinely instructed in high profile cases of media interest.

## Inquests & Inquiries

Kevin acts for interested persons in Coroners' Inquests, specialising in but not limited to deaths in custody, examples given in the notable cases section. His knowledge of crime and police regulation and High Court advocacy combines well to provide the particular skill required for this specialist work.

He is also Assistant Coroner for Hertfordshire.

## Notable Inquests & Inquiries cases

- **Inquests into terror attacks at Fishmongers Hall and London Bridge (2021)**  
Representing police 'Prevent' officers engaged with and responsible for terrorist Usman Khan before and at the time of attacks at Fishmonger's Hall and London Bridge.
- **Raphael Gill (2022)**  
Death in custody of young black male stopped for speeding and arrested for drugs offences who dies in hospital post arrest. National media scrutiny.

- **Malagardis (2021)**

Representing police officer and detention officer at the centre of a case concerning the death of homeless man outside a police station in the cold after his ejection from the station and locking of the doors. The case attracted national press interest.

- **Stone inquest (2021-22)**

Article 2 inquest into death under police restraint of individual exhibiting signs of Acute Behavioural Disturbance. Representing police officers applying the restraint.

- **Rizvi (2021-23)**

Reopened Article 2 inquest transferred to the Old Bailey into a cold case concerning a car passenger shot in the head after leaving the police station with an alleged drug dealer engaging issues surrounding police.

- **Peck (2022)**

Inquest into death of vulnerable elderly gentleman in RTC shortly after police contact having been reported missing.

- **Bailey (2022)**

Article 2 inquest into death of pedestrian during police response driving and comms systems.

- **Johnson (2022)**

Article 2 inquest into death of moped rider during police pursuit engaging extensive inquiry into police protocols and systems.

- **Inquest into the death of Ullah (2015)**

Representing 5 TVP officers with Patrick Gibbs KC in inquest into a death at a time of use of force by police in respect of a man concealing crack cocaine in his mouth.

- **Inquests into death of Alom (2015)**

Representing police driver whose vehicle collided with the deceased causing his death.

- **Inquest into the death of O'Rourke (2015)**

Representing custody sergeant in respect of death following release from custody absent a mental health assessment in respect of detainee presenting with such problems.

- **Inquest into the death of Church (2014)**

Representing British Transport Police in inquest into death in custody complicated by application of Mental Health processes, remands, and legislation.

# Professional Discipline

Kevin is Head of Chambers' Professional Discipline Practice Group and was awarded 'Best Professional Discipline Junior' at the UK Bar Awards, 2019. Only a limited view of Kevin's considerable experience in professional discipline can be given in the notable cases section many of which attracted intense media attention. He provides specialist advice, drafting and advocacy in disciplinary as well as performance hearings and IOPC cases. He is instructed to advise the Police Federation and lead on initiatives nationally on discrete issues of law of general national importance. He gives lectures and training on the law and procedure. Kevin also acts and advises at Police Appeals Tribunal stage and judicial review, acting for the accused officers in important cases that have shaped the law in this area summarised in the Judicial Review cases section.

## Notable Professional Discipline cases

- **Re B (South Wales) 2024**  
Multiple complex legal arguments touching upon Equality Act 2010, novel legal argument on applicability of honesty and integrity standard to alleged sexual misconduct and inappropriate comments and behaviour when off duty
- **Operation Gentry (Kent Police) (2024)**  
Defending in allegations of discriminatory practices predicated upon adverse Employment Tribunal findings
- **Re S (2023) South West**  
Appearing opposite KC and junior in sensitive and difficult case concerning alleging serious sexual misconduct
- **PC K (2022)**  
Defending allegations of breach of Orders & Instructions following appearance on Big Brother reality show.
- **Operation Turing (2021)**  
Defending in multi-handed 5 week discipline case concerning corruption allegations against Senior Leadership Team officers up to and including Borough Commander level.
- **Savage (2021)**  
Jurisdiction of Police Appeals Tribunal to hear appeal against finding that does not seek to disturb gross misconduct. Finding of carrying of multi tool declared unreasonable despite being in breach of policy due to custom and practice.
- **PC E (2021)**  
Stop search and use of force on young black male alleging discrimination. Principles of car extraction and reliance on prior intel and inferences from non-compliance. Culpability of secondary officers.
- **PC R (2021)**  
Defending 13x baton strikes on unarmed youth engaging arguments in reliance upon PTSD and Equality Act protections.

- **PS S (2020)**  
Fast track dismissal overturned following criminal acquittal, force attempt to engage discipline again established as a nullity under estoppel and res judicata under a close analysis of Gray and Coke-Wallis.
- **PC B (2020)**  
Successful defence of transgender officer alleged to have breached standards with personal use of computer in connection with transitioning – principles of private life on duty, Equality Act 2010.
- **DC BW (2020)**  
Successful Police Appeals Tribunal appeal, instructed at appeal stage after officer dismissed when defended inadequately by previous representatives at inadequate remote hearing where with failures to adduce and argue disability points under the Equality Act 2010.
- **PC H (2020)**  
Causing death while police driving – discipline allegations intersecting with serious welfare and PTSD complications. Successful defence based upon contested expert evidence.
- **PC O (2019)**  
Excessive force allegations on CCTV in respect of deceased complainant. Representing principal accused officer in multi-handed case. Delay in service Notices with prejudice arising reducing and limiting allegations and defeating honesty and integrity aspect together with parts of excessive force.
- **PC H (2019)**  
Allegations of racism in covert unit based on covert recording made in private police office.
- **MPS (2019)**  
Representing all 4 officers in multi-force joined up hearing of gross misconduct allegations of excessive force arising out of adverse judicial comment. Case dismissed following legal argument of abuse arising out of delay.
- **Delay by IPCC cases (2015 - 2019)**  
Representing accused officers in various successful applications for stay of proceedings where culpable delay and significant departure from statutory regime in PRA 2002 by IPCC infringes officer's Article 6 and 8 rights and causes inherent and specific prejudice justifying a stay of proceedings. Also acting in successful resistance to judicial review application by IPCC or other complainants seeking to overturn favourable result (Re H (MPS), Re Insp C and PC W (MPS), Re PCs B and G (Leicester), Re L and 4 others (TVP), Re Ga (MPS), Re Ra (MPS), Re Ev (MPS), PC F (MPS), PC P (Northumbria)).
- **Death of Sean Rigg (2019)**  
Defending accused officer in so called 'cause celebre' civil rights case of last decade.
- **Principal accused in case of Julian Cole (2018)**  
Representing first accused in multi-handed national newsworthy allegations of mistreatment and dishonesty in connection with young man left with brain damage and severed spinal cord.

- **PC K (2018)**

Representing officer on gross incompetence allegations following ejection of a homeless man from police station and locking him outside where he died in the morning following life saving treatment failures, the officer having watched a DVD during the shift. National press and radio focus.

- **Human Rights ground-breaking in police context: Re IPCC (2017 - cont.)**

Conceived, researching, advising, and drafting High Court action in respect of various officers in relation to human rights breaches arising from delay and maladministration in the IPCC conduct of independent gross misconduct investigations. Silk instructed and arguable grounds for breakthrough ruling of application of Art 6 to police officers established at first instance defeat of application to strike out presented by Alison Foster KC.

## Crime

Kevin has 20 years unbroken experience in serious criminal cases including but not limited to:

- Torture and assault
- Corruption
- Rape and sexual assault
- Perverting the course of justice
- Public order
- Class A drugs conspiracies
- Causing death by dangerous driving
- Endangering aircraft
- Indecent images
- Cyber crime
- Hijack

## Notable Crime cases

- **R v Mahmood (2023)**

Awarded 'The Times Lawyer of the Week' award for roled Defending KC prosecuted officer acquitted of inflicting GBH upon a man left paralysed after use of taser. Sensitive case with expert evidence and national press coverage.

- **R v Fisher (2023)**

Defending police officer acquitted of dangerous driving following serious collision when travelling at speed in response to the Streatham terrorist attacks, widespread national press publicity.

- **R v Aston (2023)**

Leading counsel. Perverting and fraud trial reserved for trial by High Court. KC and junior prosecuted. Suspended sentence imposed engaging Article 8, and citing U.N. conventions on women's and child's rights.

- **R v Head (2022)**  
Conviction overturned on appeal to Court of Appeal on basis of fresh evidence prosecution failed to disclose, establishing it is a 'short step' from concluding that non-defendant bad character fresh evidence would have been admissible under s100(1)(b) CJA 2003 to satisfying the test for appeal against conviction.
- **R v KC (2022 – 23)**  
200kg Cannabis importation.
- **R v A (2022-23)**  
Defending allegations of perverting the course of justice and fraud re false complaints of controlling and coercive behaviour, High Court judge presiding.
- **R v E (2022)**  
Defending allegations concerning familial rape.
- **G (2021)**  
Acquittal of police officer for on duty gbh in respect of breaking complainant's jaw.
- **GH (2021)**  
Off duty officer acquitted of racially aggravated gbh upon taxi driver.
- **Pham (2021-23)**  
Class A drug supply and money laundering conspiracy totalling 100s of kg and millions of pounds. Case rested upon Encrochat evidence – the previously secure mobile phone system employed by criminals but hacked by French law enforcement and shared under international cooperation between agencies. Also appearing in Court of Appeal on AG's reference. Confiscation proceedings followed.
- **Mallaburn (2020)**  
Acquittal of historic sexual assaults.
- **Smith (2020)**  
Abuse of process, promise not to prosecute and manipulation of summons
- **Rowley (2020)**  
Members of Parliament wrote to the Commissioner and others expressing their concern about the mobile phone and body worn footage capturing use of baton force. Significant press coverage. Defended officer to acquittal. Instructed following success in similar high profile alleged police brutality case in yellow vest marches.

## Fraud/Financial Regulation

Following a Masters Degree at Oxford in commercial law Kevin took pupillage at the Commercial Bar (20 Essex Street) before moving to the Criminal Bar to employ his advocacy skills. He is experienced in acting for prosecution and defence,

and in cases brought by the FCA, SFO and CPS. His approach is based on thorough early preparation and mastery of the detail. He is experienced in providing advice at all stages of the process from pre-charge to large prosecutions. Notable cases include

- Ponzi fraud
- Carousel fraud
- Mortgage fraud
- Insider trading.

## Notable Fraud/Financial Regulation cases

- **Thorncroft**

Defending former Chair of the Association of UK Payment Institutions re Money Laundering, wrongfully retaining credit and ML Regulations breaches. £850,000 and involving more than 60 victims underlying boiler room laundering proceeds through money service bureau payments to China. Further charge in relation to allowing £265,000 payment in breach of SCPO.

- **Insider Trading**

Led by Neil Saunders. Advising, drafting, and acting from pre-charge stage for FSA in significant insider trading prosecutions.

- **R v L**

Fraud by abuse of position. Defending senior financial products manager for large international bank on charges of fraud by abuse of position concerning use of privileged information to steal customer identities in order to access their accounts.

- **R v B & Others**

SFO Ponzi fraud. Junior counsel defending only acquitted defendant in a Category 2 SFO fraud with many aspects, including a Ponzi fraud in relation to investment in a gold mine, share dealing, banking instruments, insurance and reinsurance. A complex 24 count indictment evidenced by hundreds of thousands of pages of material was drastically reduced following successful dismissal arguments conceived through meticulous preparation. The trial at Liverpool Crown Court featured numerous experts, in particular from the scientific and financial fields and evidence by live link from abroad. Kevin used his familiarity with electronic evidence to negotiate this case.

- **R v O & Others**

Largest detected fraud against NHS at its time. Kevin defended in this case concerning the largest ever payroll fraud detected against the NHS, at its centre a fraudster listed as one of the 10 most wanted criminals in the country. The payroll manager at King's College hospital was recruited to create a ghost workforce by exploiting a loophole in the electronic payroll system. Conspiracy and money laundering charges were preferred by the Crown whose case was heavily document based. The entire trail from initial recruitment, booking of staff, timesheets, 'prism' system entries, matchnet reports was created and faked, expert computer evidence was relied upon.

# Judicial Review / Police Law

## Notable Judicial Review / Police Law cases

- **R (Victor) v Chief Constable of West Mercia [2023] EWHC 2119 (Admin)**  
Leading counsel versus KC and junior claiming judicial review in test case concerning dismissal through device of removing vetting.
- **Watson's Judicial Review (Court of Appeal, Northern Ireland)**  
Representing 4 national police federations and over 150,000 officers intervening in Court of Appeal of Northern Ireland in test case determining application of discipline regulations to pre-attestation conduct. Called to N.I. Bar.
- **R (Chief Constable of TVP) v PAT and Wheeler [2024]**  
Intervention on behalf of PFEW in England and Wales test case on jurisdiction as to pre-attestation conduct.
- **R v (Philpot) v Commissioner of the Police of the Metropolis [2023] EWCA Civ 66**  
Court of Appeal. Claimant in judicial review for officer in test case on issue of force imposing restrictions upon private life – whether power to impose, whether compatible and justified as Art 8 infringement and the principle of legality.
- **R (Quirke) v Chief Constable of Avon and Somerset [2024]**  
Claimant for judicial review irrationality challenge to removal of vetting for unproven pre-attestation conduct.
- **Northumbria Police Service v IOPC (2022)**  
Judicial Review acting for IP resisting claim seeking to quash IOPC decisions of no case to answer and not to recommend disciplinary action against officer for gross misconduct.
- **Probationer discharge [2022]**  
Advising and acting in respect of use of Regulation 13 Police Regulations 2013 to dispense with services of probationer constables where unlawful by reason of requirement to utilise conduct regulations and associated protections.
- **R (Commissioner of police for the Metropolis) v PAT and Michel and Charnock [2022] EWHC 2711**  
Meaning of 'unreasonable' and whether Rule 4(4)(a) appeals raise an estoppel given absence of remittal power
- **R (Bainbridge) v IOPC and others CO/2470/2021**  
Contesting the existence of the equivalent of a Victim's Right of Review in police misconduct cases upon an investigation conclusion of no case to answer.
- **PS B (2021)**  
Judicial Review concerning recently developing line of authority on imposing sanctions re applying Fuglers as decided in Roscoe and West Mids Officer A.



- Kevin has consistently appeared in judicial reviews in previous years, including Moore [2007] EWHC 2715 vires of AG's Guidance; Hayman [2008] EWHC 2191 Standard of Proof; Khan [2010] EWHC 2339 proceedings following criminal acquittal; Monger [2013] EWHC 455 dispensing of Special Constables; Naulls [2013] EWHC 1684 appeals against dismissal, costs and back pay; Demetriou [2015] EWHC 593 power to reopen IPCC final report; Meadows [2018] EWHC 2997 test for no case to answer; Baxter [2020] CO/3849/2020 retention following dishonesty findings

## Notable Cases

### General Crime

#### **R v Head** [2022]

Conviction overturned on appeal to Court of appeal on basis of fresh evidence prosecution failed to disclose, establishing it is a 'short step' from concluding that non-defendant bad character fresh evidence would have been admissible under s100(1)(b) CJA 2003 to satisfying the test for appeal against conviction

#### **R v M** (2022 – 23)

Defending allegations of gbh in respect of police taser use resulting in paralysis of complainant

#### **R v KC** (2022 – 23)

200kg Cannabis importation

#### **R v A** (2022-23)

Defending allegations of perverting the course of justice and fraud re false complaints of controlling and coercive behaviour, High Court judge presiding

#### **R v E** (2022)

Defending allegations concerning familial rape

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Acquittal of police officer for on duty gbh in respect of breaking complainant's jaw. [See here](#)

#### **GH** (2021)

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**Pham (2021)**

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Also appearing in Court of Appeal on AG's reference. [See here](#)

**Mallaburn (2020)**

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**PC M (2019)**

Southwark Crown Court

Representing first defendant in allegations of Perverting the Course of Justice by police officers in respect of crash en route to emergency response call. You can read further [here](#).

**R v A (2017–2019)**

Newcastle Crown Court

Defending police inspector subjected to extensive surveillance operation facing charges relating to alleged relationship with an organised criminal network and use of police computer systems to disclose confidential information in meetings and phone calls

**R v DC (2017)**

Birmingham CC

Defending deaf accused on charges of historical rape and sexual assault of mother-in-law, who was deaf from birth, without speech, virtually blind and communicated and gave evidence via Body Sign Language tactile signing. Familial witnesses all also deaf with similar special measures, as for defendant

**PC H (2017)**

Southwark CC

Representing the first defendant in multi-handed prosecution of Gangs Unit police officers acquitted of assault and perverting course of justice in relation to prominent youth gang member

**Student riots 2015**

Representing first defendant in print and televised press covered trial of police officers accused of assault and perverting the course of justice at the student protests

**Computer misuse 2015**

Defending in relation to criminal misuse of sensitive computer databases and disclosure of confidential intelligence (Old Bailey)

**Perverting the course of justice cases 2014 – 2022**

Defending series of press reported cases where police officers stood accused of perverting the course of public justice (**R v P, R v PC H, R v PC T, R v PC O, R v PC H, R v PC S, R v PC S, R v PC M, R v PC W and numerous others**)

**Causing death and serious injury by dangerous driving cases 2013 – 2022**

Defending series of dangerous driving allegations against police officers involved in collisions while driving on emergency response (**R v PC F, R v PC R, R v PC H, R v PC D, PC S, PC F and numerous others**)

**Abuse of authority sex cases 2013 – 2019**

Defending officers in series press reported cases where police officers accused of criminally misconducting themselves in respect of women met through the office of constable (**PC P, PC R, PC A, PS O, PC M, PC DB, PC Y, PC A, PC C, PC P and many others**)

**R v U 2014**

Defending police rape allegation, silk instructed for Crown where evidence excluded on basis of video interview procedural errors and first trial stopped on basis of disclosure complaints. No evidence offered at re-trial after Crown applications re witness summons and admissibility resisted

**R v H 2013**

Defending assault prosecuted by specially instructed Treasury Counsel – disclosure faults unearthed leading to concessions and rapid unanimous acquittals

**Operation Elveden 2014**

Defending Conspiracy to commit Misconduct in Public Office charges at the Old Bailey following the investigation into payments to police arising out of the News International saga

**Phone hacking 2012**

Westminster Magistrates' Court and Old Bailey  
Representing senior officers at freedom of press hearings

**Re M 2012**

Ipswich Crown Court  
Wife of former formula 1 driver charged with multi-million pound revenue fraud after her arrest for larger Ponzi fraud. Reported in The Times, The Telegraph and other national press

**R v V 2012**

Court: Old Bailey  
Prosecuting advanced cyber crime by organised criminal network involving malicious software harvesting bank details from users of genuine UK banking websites for storage and misuse on overseas servers

**R v D 2012**

Nottingham

Misconduct in public office case followed by BBC TV news

Defending allegations of misconduct in public office, class A drugs and data protection by misuse of powers and privileged computer databases to target vulnerable women

**R v C 2011**

Southwark Crown Court

Defending in complex car ringing and misconduct in public office conspiracy operated between a serving inmate, a prison guard, a police officer and civilian police staff

**Barbar Ahmad trial 2011**

Nationally publicised trial concerning arrest of terror suspect Babar Ahmad

Defending officer acquitted in connection with allegations of assault of a terror suspect in the course of arrest and thereafter. The case attracted a high profile, including live TV broadcasts from the major terrestrial and satellite channels

**R v P 2010**

Kingston Crown Court

Defending allegations of kidnap and torture. Involved issues surrounding expert evidence as to homemade cocktail of drugs and torture devices

**R v B 2009**

Defending officer accused of conspiracy to commit misconduct in public officer by supplying Class A drug dealers with sensitive police intelligence over the course of years

**R v Inner London Crown Court ex parte M [2006] 1 WLR 3406**

Remand legislation

Statutory construction of youth justice remand legislation and judicial review of remand of youths

**R v Campbell [2005] All ER (D) 18**

Adverse inferences from silence

**R v Gillham [2005] All ER (D) 56**

Challenge to domestic legislation by reference to Art 8 ECHR

**The Stansted hijacking case**

Central Criminal Court

Prosecution junior counsel in prosecution of 11 defendants for hijacking

**R v Toomer and Others [2001] 2 Cr App R (S) 8**

Representing Toomer (sentencing for distributing child pornography on the internet)

## Fraud

**Thorncroft**

Defending former Chair of the Association of UK Payment Institutions re Money Laundering, wrongfully retaining credit and ML Regulations breaches. £850,000 and involving more than 60 victims underlying boiler room laundering proceeds

through money service bureau payments to China. Further charge in relation to allowing £265,000 payment in breach of SCPO. [Read report in Financial Times](#)

### **FSA insider trading**

Led by Neil Saunders

Advising, drafting, and acting from pre-charge stage for FSA in significant insider trading prosecutions

### **R v L**

Southwark Crown Court

Fraud by abuse of position

Defending senior financial products manager for large international bank on charges of fraud by abuse of position concerning use of privileged information to steal customer identities in order to access their accounts

### **Lecturing**

Sole speaker at CPD course for MBL seminars upon Fraud and Recent Developments, for experienced practitioners.

### **R v A**

Fraud by abuse of position

### **R v B and others**

SFO Ponzi fraud

Junior counsel defending only acquitted defendant in a Category 2 SFO fraud with many aspects, including a Ponzi fraud in relation to investment in a gold mine, share dealing, banking instruments, insurance and reinsurance. A complex 24 count indictment evidenced by hundreds of thousands of pages of material was drastically reduced following successful dismissal arguments conceived through meticulous preparation. The trial at Liverpool Crown Court featured numerous experts, in particular from the scientific and financial fields and evidence by live link from abroad. Kevin used his familiarity with electronic evidence to negotiate this case

### **R v O and others**

Largest detected fraud against NHS at its time

### **R v G and others**

Serious and complex fraud

Defending conspiracy allegations centred around mortgage fraud

### **R v B and others**

Serious and complex fraud

Defending conspiracy allegations centred around mortgage fraud

### **R v Owusu**

Conspiracy to defraud

Junior counsel for prosecution on lengthy fraud indictment with international element

### **Delay by IOPC cases**

Representing accused officers in various successful applications for stay of proceedings where culpable delay and significant departure from statutory regime in PRA 2002 by IPCC infringes officer's Article 6 and 8 rights and causes

inherent and specific prejudice justifying a stay of proceedings. Also acting in successful resistance to judicial review application by IOPC or other complainants seeking to overturn favourable result (**Re H (MPS)**, **Re Insp C and PC W (MPS)**, **Re PCs B and G (Leicester)**, **Re L and 4 others (TVP)**, **Re Ga (MPS)**, **Re Ra (MPS)**, **Re Ev (MPS)**, **PC F (MPS)**)

## Deaths in custody

### **Death of Sean Rigg 2019**

Defending accused officer in so called 'cause celebre' civil rights case of last decade. [See here](#). [Also see here](#)

### **Principal accused in case of Julian Cole 2018**

Representing first accused in multi-handed national newsworthy allegations of mistreatment and dishonesty in connection with young man left with brain damage and severed spinal cord. Took lead in legal argument, cross-examination and mitigation. IOPC pressing witnesses to give inaccurate statements uncovered. [See here](#). [Also see here](#)

### **PC K**

2018

Representing officer on gross incompetence allegations following ejection of a homeless man from police station and locking him outside where he died in the morning following life saving treatment failures, the officer having watched a DVD during the shift. National press and radio focus. [See here](#).

### **PS B (Staffs) 2017**

Defending sergeant acquitted of gross misconduct in relation to death in custody of man tasered and bitten by police dog while in vulnerable drug intoxicated state. Each major terrestrial TV news outlet gave coverage to initial hearing, cleared on appeal (not reported). [See here](#).

### **TVP Five 2015**

Defending all five TVP officers in gross misconduct proceedings directed by IPCC to be in public (pre 2015 amendment) based on significant public interest. All 5 fully acquitted on all elements of all allegations pertaining to use of force upon Habib Ullah culminating in his death and changes made to witness statements not disclosed which had led to collapse of first inquest and initial advising solicitor to be questioned under caution and referred to CPS and SRA. [See here](#)

### **Disciplinary investigation touching upon the death of TM 2006-2009**

Subject of Panorama documentary, concerning police failures in investigation into stalker ex-boyfriend of young woman later murdered by the same. Representing principal accused officer in proceedings both in discipline and judicial review proceedings brought by the family and consequent appeals

## Professional Misconduct

### **Excessive force**

Kevin has conducted 100s of use of force cases, often taking the lead on the issue in multi-handed cases. All aspects are part of his particular expertise

### **Abuse of authority sex cases 2013 – 2022**

Defending officers in series press reported cases where police officers accused of criminally misconducting themselves in

respect of women met through the office of constable (**PC P, PC R, PC A, PS O, PC M, PC DB, PC Y, PC A, R v MK** (2007) (Case attracted national and international press across both hemispheres)

### **Off duty conduct principle cases**

Defending allegations relating to off duty behaviour and conceiving novel legal argument as to the limits and material differences in the application of the Standards of Professional Behaviour to certain off duty behaviour. Interaction of SPB with Article 8 rights to personal and family life. (**PC H** (Kent), **PC S-W** (MPS), **PC G** (MPS)) and many others)

### **PC G** (MPS) 2017

IPCC investigated taser use case. Article 8 ECHR employed to win officer right to pursue new career pending hearing. Hearing stayed following delay abuse and disclosure arguments forcing IPCC u-turn after 5 years. Extent of failures exposed such that independent review of IPCC's conduct by Northern Island Police Authority, departure of IPCC Commissioner and criminal investigation by Police Scotland into the IPCC ongoing

### **Human Rights ground-breaking in police context: Re IPCC 2017 – cont**

Conceived, researching, advising, and drafting High Court action in respect of various officers in relation to human rights breaches arising from delay and maladministration in the IPCC conduct of independent gross misconduct investigations. Silk instructed and arguable grounds for breakthrough ruling of application of Art 6 to police officers established at first instance defeat of application to strike out presented by Alison Foster KC

### **Computer misuse cases 2010 – 2022**

Defending allegations of misuse of confidential police computer systems for purposes other than policing purposes (cases too numerous to mention)

### **Covert policing misconduct 2017 – 2019**

Defending cases alleging misuse of covert police systems and processes for wrongful purposes (too numerous, recent cases eg Insp M (BTP), DC M (Sussex), PC S (MPS), PC H (Kent), Insp A (Northumbria) PC R (MPS))

## **Corruption cases**

### **DC V**

Corruption allegations made against special operations officer dealing with international embassies. (DC V); obtaining and disclosing confidential information from Kent Police intelligence system in relation to an abuse victim on behalf of her partner's friend, the alleged abuser. (DC H) – [see here](#). Only junior counsel in IOPC led gross misconduct corruption allegations pertaining to covert unit at Lancashire Constabulary. Sole representative for second defendant (Insp W); IOPC investigation and resulted in an Evening Standard front page headline focused upon the alleged deliberate mishandling of rape allegations (Sapphire Unit); 3 week hearing examining alleged malpractices among Safer Neighbourhood Teams (PS H, PC C)

### **Custody Suite incidents and management**

Cases concerning custody sergeants and management of custody suite and response to attempt suicides and other similar incidents. Acting in defence in cases under both the Misconduct and Performance Regulations. Detailed examination, understanding and expertise in operating procedures, policy, PACE and risk assessments required (**eg Custody Sergeants J, T and M** (MPS), **Custody Sgts B and G** (Leicestershire))

### **AMEX cases**

Special Ops dishonest spending allegations

Defending in line of cases where special operations police officers were accused of illegitimate personal spending upon force issued American Express cards.

### **Bias appeals**

Series of successful Police Appeals Tribunals asserting lack of unbiased and independent tribunal, departures from prescribed procedures and improper use of fast track procedures (**Re De B** (MPS), **Re Ha** (Surrey), **Re Gr** (Surrey))

### **Plebgate**

Instructed to advise in defence of gross misconduct proceedings surrounding allegations of leaking plebgate stories to The Sun newspaper

## **Judicial review**

### **R. (Philpot) v Commissioner of the Police of the Metropolis [2022]**

ACD 109, [2022] EWHC 1852 (Admin)

Claimant in judicial review for officer in Court of Appeal level test case on issue of force imposing restrictions upon private life – whether power to impose, whether compatible and justified as Art 8 infringement and the principle of legality.

### **Northumbria Police Service v IOPC (2022)**

Judicial Review acting for IP resisting claim seeking to quash IOPC decisions of no case to answer and not to recommend disciplinary action against officer for gross misconduct

### **Pre-attestation judicial reviews [2022]**

Two cases concerning jurisdiction of misconduct regime over pre-attestation conduct. Challenge to lawfulness of institution of simple misconduct allegations in respect of failures as a PCSO in different force. Advising on intervening on Police Federation of England and Wales behalf into Watson's JR (Northern Ireland).

### **Vetting Judicial Reviews (2022)**

Two test case judicial reviews touching upon the legality of dismissal of police officers via the route of removal of vetting and consequent dismissal for resulting gross incompetence and ability of Chief Constable to re-open vetting appeal decisions decided in officers' favour.

### **Probationer discharge [2022]**

Advising and acting in respect of use of Regulation 13 Police Regulations 2013 to dispense with services of probationer constables where unlawful by reason of requirement to utilise conduct regulations and associated protections.

### **R (Commissioner of police for the Metropolis) v PAT exp Michel and Charnock [2022]**

Lawfulness of PAT approach and whether stages to appeals hearings exist under Rule 4(4)(a) appeals

### **(Bainbridge) v IOPC and others**

CO/2470/2021

Contesting the existence of the equivalent of a Victim's Right of Review in police misconduct cases upon an investigation conclusion of no case to answer



**R (Chief Constable of Northumbria Police) v PC Baxter**

CO/3848/2020

Successful resistance of application for judicial review to overturn retention of officer following honesty and integrity finding on grounds of irrationality and failure of panel to follow Fuglers procedure.

**R (COLP) v IPCC ex p A**

[2018] EWHC 2997 (Admin)

Claim CO/5914/2017

No case to answer. Hearings directed by IPCC

**R (on the application of the IPCC) v MPS ex p PC Evers and others**

Claim No.CO3320/2015

Delay; legal test for staying misconduct proceedings; whether requirement for specific prejudice over and above inherent prejudice. Case followed a successful argument for stay at the discipline hearing

**R (on the application of Demetriou) v IPCC Ex p Commissioner of the Metropolis and PC Harrington**

[2015] EWHC 593 (Admin)

Finality of IPCC final reports, ability to reopen investigation; functus officio, legitimate expectation; irrationality in police misconduct prosecutorial decisions

**R (Commissioner for the Metropolis) v PAT ex p Naulls**

[2013] EWHC 1684 (Admin)

Test to be applied in allowing appeals against dismissal; relevance of officer's welfare in punishing misconduct, application of test for costs and back pay awards and when panel is functus officio. Claim against the officer defeated

**R (on the application of Monger) v Chief Constable of Cumbria Police**

[2013] EWHC 455 (Admin)

Special Constabulary judicial review

Asked to advise upon possible action regarding a Special Constable forcibly resigned out of a police force not in accordance with Regulations. The deadline for Judicial Review had long passed but application made out of time and a full hearing was ordered on the basis of the strength of the argument and exceptional reasons to extend time. The dismissal was ruled to be unlawful and the officer reinstated

**Wallace v IPCC**

CO/12984/2013

Acting for 9 police officer interested parties in judicial review of IPCC investigation and final report into detention of a pregnant woman

**Re PC Barber 2011-2012**

Bringing judicial review of alleged illegality in Police Appeals Tribunal decision

Claimant for judicial review concerning alleged error of law by Police Appeals Tribunal upon the meaning of paragraphs of the Standards of Professional Behaviour under the 2008 Regulations

**Re PC Fraser 2011**

Judicial review of decision not to institute disciplinary proceedings

Advising and drafting pleadings for interested party in judicial review of IPCC and Authority's decision not to institute disciplinary proceedings

**R (on the application of the IPCC) v Assistant Commissioner Hayman**

[2008] EWHC 2191 (Admin)

Standard of proof and its application in police misconduct and erroneous Home Office Guidance

**R (on the application of Khan) v IPCC**

[2010] EWHC 2339 (Admin)

Representing all 6 accused officers in the defeating application to quash decision not to institute disciplinary proceedings following criminal acquittal

**R (on the application of Sam Woodhams) v Commissioner of the Metropolis and Assistant Commissioner Ghaffur**

10 September 2008

Defeating application in judicial review to quash reinstatement Kevin had achieved for a detective dismissed over Peter Woodhams murder investigation failings

**R (on the application of the IPCC) v Chief Constable of West Midlands Police**

[2007] EWHC 2715

Vires of Attorney General's Guidance on Unsatisfactory Police Conduct; extent of the IPCC's (and others) rights of audience at Chief Constable's Reviews

## Coroner's Inquests

**Inquests into terror attacks at Fishmongers Hall and London Bridge (2021)**

Representing police 'Prevent' officers engaged with and responsible for terrorist Usman Khan before and at the time of attacks at [Fishmonger's Hall and London Bridge](#).

**Raphael Gill (2022)**

Death in custody of young black male stopped for speeding and arrested for drugs offences who dies in hospital post arrest. National media scrutiny. [See here](#)

**Malagardis (2021)**

Representing police officer and detention officer at the centre of a case concerning the death of homeless man outside a police station in the cold after his ejection from the station and locking of the doors. The case attracted national press interest. [See here](#).

**Stone inquest (2021-22)**

Article 2 inquest into death under police restraint of individual exhibiting signs of Acute Behavioural Disturbance  
Representing police officers applying the restraint.

**Rizvi (2021-23)**

Reopened Article 2 inquest transferred to the Old Bailey into a cold case concerning a car passenger shot in the head after leaving the police station with an alleged drug dealer engaging issues surrounding police. [See here](#)

**Peck (2022)**

Inquest into death of vulnerable elderly gentleman in RTC shortly after police contact having been reported missing.

**Bailey (2022)**

Article 2 inquest into death of pedestrian during police response driving and comms systems.

**Johnson (2022)**

Article 2 inquest into death of moped rider during police pursuit engaging extensive inquiry into police protocols and systems.

**Inquest into the death of Ullah 2015**

Representing 5 TVP officers with Patrick Gibbs KC in inquest into a death at a time of use of force by police in respect of a man concealing crack cocaine in his mouth

**Inquests into death of Alom 2015**

Representing police driver whose vehicle collided with the deceased causing his death

**Inquest into the death of O'Rourke 2015**

Representing custody sergeant in respect of death following release from custody absent a mental health assessment in respect of detainee presenting with such problems

**Inquest into the death of Church 2014**

Representing British Transport Police in inquest into death in custody complicated by application of Mental Health processes, remands, and legislation

**Inquest into the death of McMahon 2013**

Representing British Transport Police and its members at inquest into death of a patient subject to a Mental Health Act Order

**Stourport Inquest 2011**

Death on railway following large scale IPCC investigation

Representing BTP Chief Inspector, the most senior officer with interested party status, in Coroner's Inquest into a suspicious death upon a tram line. The IPCC conducted numerous large scale investigations over years culminating in the 3 week inquest. Expert evidence in addition to the pathologists was dealt with on numerous aspects of the collision and police systems

**Inquest into the death of Waite**

Death in custody

Inquest into 'death in custody' following high fall during negotiation with police

**Inquest into the death of Neiring**

Death in custody

Inquest into death during police chase of smash and grab raid on Kensington jewellers

**Inquest into the death of Langdon**

Representing family in inquest into death of public servant

### **Inquest into the death of Davies**

Death in custody in police cells

### **Care Home Inquest**

Representing care home regarding inquest into death of resident from hyperthermia

### **Nottingham Inquests**

Inquests into deaths of civilians in course of police vehicles on emergency response

## **Health & safety, regulatory and licensing**

### **Food safety 2018**

Defending one of the world's largest fast food chains on allegations of serving unfit food and alleged failures to implement HACCP procedures.

### **Food safety 2015**

European Regulations prosecution touching upon pasteurised milk safety processes and requirements

### **Metropolitan Police Service 2015–2018**

Alcohol and entertainment licensing, closure orders

Football banning orders

### **The Club**

Temporary event notices and new licence application

Kevin represents the trade, the public as well as the enforcement authorities in licensing matters – here he acted for the Metropolitan Police in objecting to a night club licence where the applicant was identified as a phoenix from the flames, having recently suffered revocation of a previous licence for serious crime and disorder

### **Yakatori**

Licensing committee hearing

Contested licensing application before Islington justices in respect of new restaurant venture

### **Harper's Casino**

Appeal in relation to conditions

Appearing for appellant in appeal concerning Casino with convoluted licensing history and incorporating principles in

**Hope & Glory**. Advanced Security Industry Authority issues arose in detail

### **TfL 2005-2018**

One of short list of standing counsel to TfL in private hire and taxi appeals. Appearing regularly at Magistrates' and Crown Court

## **European and International**

### **EU Treaty Change 2007**

Advisory

Advising as to the proposed major change in the competence of the European Union proposed in the field of criminal law to end national sovereignty in police and criminal law

**EU Commission Green Paper 2006**

Advising at request of Czech Constitutional Court as to UK law and the privilege against self-incrimination

## Directory Recommendations

“Kevin is one of the leading junior barristers in police discipline. In terms of black letter law he is second to none.”

**Chambers UK 2025: Professional Discipline**

“Kevin knows more about police practice and the implementation of those things when they morph into criminal proceedings than any other lawyer in England & Wales.” **Legal 500 2025: Crime**

“His authority in this field is second to none. He brings a cool detachment, a surgical analysis, and a perfect eye for the killer detail to all that he does. He is at the very top of his game at the moment.” **Legal 500 2025: Crime**

“Kevin is increasingly regarded as a leading authority, if not the authority, in matters relating to police misconduct.” **Legal 500 2025: Police Law**

“Knows the law inside and out.” **Chambers UK 2024: Professional Discipline**

“Kevin has a razor-sharp intellect. He is a fearsome courtroom advocate, a ruthless cross-examiner and a stellar black letter lawyer.” **Legal 500 2024: Police Law**

“Kevin has a piercing intellect and is an exceptional lawyer who always has the latest caselaw at his fingertips.” **Legal 500 2024: Crime**

“Kevin has a razor-sharp intellect, and is an unstoppable force on his feet. Most opponents wilt before him.” **Legal 500 2024: Inquests and Inquiries**

“He is a fearsome courtroom advocate, a ruthless cross-examiner and a stellar black letter lawyer.” **Legal 500 2024: Police Law**

“Kevin has an exceptional tactical brain, is meticulous in his case preparation, and has an unparalleled eye for detail.” **Chambers UK 2023: Police Law**

His tactical knowledge is immense and he has the ability to get to grips with a case in a manner that inevitably results in victory.” **Chambers UK 2023: Police Law**

“Kevin has an exceptional tactical brain, is meticulous in his case preparation and his eye for detail is unparalleled.” **Legal 500 2023: Police Law**

“He is fiercely intellectual and presents his submissions in a clear and persuasive manner.” **Chambers UK 2022: Crime**

“A great tactician.” **Chambers UK 2022: Crime**

“An outstanding advocate and cross-examiner. The best in the area of police misconduct, always calm and understated.”  
**Chambers UK 2022: Professional Discipline**

“He’s exceptionally good.” **Chambers UK 2022: Professional Discipline**

“He is meticulous in his preparation, works very hard and finds every good point – it always seems that he has a strong case.” **Legal 500 2022: Police Law**

“Brilliantly clever, hard as nails, relentless in pursuit desired by his clients — he is admired and feared in equal measure by his opponents.” **Legal 500 2022: Crime**

Kevin is pretty much universally acknowledged as the leading junior in the UK in police discipline cases.” **Legal 500 2022: Crime**

“Clever, tenacious and an extremely effective advocate who produces devastating lines of cross-examination.”  
**Chambers UK 2021: Crime**

“Highly intelligent, all over the law and a very compelling, succinct barrister.” **Chambers UK 2021: Police Law**

“A brilliant all-rounder. He’s a very capable lawyer and advocate, and his analysis stands out.” **Chambers UK 2021: Police Law**

“A persuasive, tactically shrewd advocate.” **Legal 50 2021: Police Law**

“Incredibly well regarded, and very active in matters involving the Met.” **Chambers UK 2021: Professional Discipline**

“Highly intelligent, all over the law and a very compelling, succinct barrister.” **Chambers UK 2021: Police Law**

“A brilliant all-rounder. He’s a very capable lawyer and advocate, and his analysis stands out.” **Chambers UK 2021: Police Discipline**

“A persuasive, tactically shrewd advocate.” **Legal 500 2021: Police Law**

“Kevin has a marvellous ability for getting to grips with the most complicated scenarios. He is extremely hard working and never allows the amount of material to get on top of him. He is remarkably good with clients and offers a great reassuring presence to all involved in the case.” **Legal 500 2021: Crime**

“He is on the ball, makes good points and is the master of his brief.” **Chambers UK 2020: Professional Discipline**

“He defends officers in high-profile cases.” **Legal 500 2020: Police Law**

“He’s excellent in the way he prepares cases. He is meticulous and has very good analysis and strategy.” **Chambers UK 2019: Professional Discipline**

“He’s excellent in the way he prepares cases. He is meticulous and has very good analysis and strategy.” **Chambers UK 2019: Professional Discipline**

“Exceptionally thorough. An excellent advocate who provides first-class representation to police officers who find themselves in difficulties.” **Chambers UK 2018: Professional Discipline**

“Very switched-on.” **Legal 500 2018: Police Law**

“He is unpretentious, with excellent client care skills.” **Legal 500 2017: Police Law**

“He’s very thorough and good strategically. His written work is excellent and he has a real ability to out-think the opposition. He’s always meticulously prepared for a case.” **Chambers UK 2017: Professional Discipline**

“A regular for police appeal tribunal work.” **Legal 500 2016: Professional Discipline**

“Combines strong skills in general crime and fraud with experience in a wide range of police disciplinary work. He’s well versed in handling sophisticated judicial review cases. His cross-examination is great and presentationally he is very difficult to beat. He strikes a really nice balance. He’s a very good, hard-nosed defence barrister, and a good advocate who is an immensely hard worker.” **Chambers UK 2016: Professional Discipline**

“His preparation is faultless and his cross-examination is excellent.” **Legal 500 2015: Professional Discipline**

“He is devastating in cross-examination and has a rapier-sharp mind. He is very measured and is excellent at dealing with very complex matters.” **Chambers UK 2015: Professional Discipline**

“Accomplished at handling police disciplinary cases as well as financial services regulatory mandates.” **Legal 500 2014: Professional Discipline & Regulatory Law**

“He often handles high-profile police misconduct cases. He is very good, very thorough and very hard-working, and he comes incredibly well prepared.” **Chambers UK 2014: Professional Discipline**

“His grasp of the area and understanding of the issues in each case is top class.” **Legal 500 2013: Professional Discipline**

“Kevin Baumber is extremely thorough and has a very good mind for assimilating detail. He represents police officers before the IPCC and in disciplinary hearings, inquests, appeals and judicial reviews.” **Chambers UK 2013: Professional Discipline**

“Kevin Baumber is ‘first class’; very clever and hard-working.” **Legal 500 2010: Crime**

## Education

### Degrees

- BCL (Oxon) – Masters degree, Brasenose College, Oxford
- LLB (1st class hon) – English and European Law

## Awards

- Pegasus International Scholarship
- Walter Wigglesworth Major Scholarship (Lincoln's Inn)
- Sir Thomas More Bursary Award (Lincoln's Inn)
- Hardwicke Entrance Award (Lincoln's Inn)
- Sweet and Maxwell Prize (highest first class honours degree)
- Hammond Suddards Law Prize for Commercial Law and Competition Law
- British Academy Scholar to Brasenose College Oxford

## Appointments

- Assistant Coroner for Hertfordshire

## Other Information

In promotion of diversity at the Bar Kevin is a mentor with 'Bridging the Bar', and Lincoln's Inn, and 3RB's LAET Sixth Form programme as well as having acted as an Inns of Court Diversity trainer and attendances at his local primary and secondary schools running innovated trials he has written of R v Jack Beanstalk on theft and criminal damage charges, alongside trials of Macbeth and Frankenstein's Monster.

### Lectures

- Delivered training to MPS, Kent and Surrey Police Federation on 2020 Police Conduct Regulations.
- Has lectured on fraud for CPD accredited training seminars.
- He was the sole speaker at a seminar entitled "Fraud and Recent Developments" for MBL Seminars.
- Has lectured on confiscation at formal seminars.

### Sporting Achievements

- International honours in cycling/running as veteran.
- Kevin is consistently and currently ranked in the top 25 in the British Best All Rounder competition for time trialling, is current and five time club champion (est 1888), Eastern Counties Points Champion in 2018, and holds around a dozen and counting club records at distances from 10 miles to 12 hours in time trialling.
- He ran a sub 3 hour competitive marathon in 2017, aged 43.
- Kevin competes internationally for Great Britain in his age group in duathlon (run/bike/run) finishing 8<sup>th</sup> and 15<sup>th</sup> respectively in the European Championships in 2014 and 2015, 6<sup>th</sup> in the National Championships. Selected for Team GB age group for 2022 international duathlon championships.
- He formerly rowed lightweight at Thames and London Rowing Clubs and won blades at Oxford for Brasenose College.



- 27 time club record breaker, 8x consecutive and current Club Champion and Captain of Shaftesbury Cycling Club (established 1888)

## Accreditations



## Privacy Statement

I, Kevin Baumber, am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [kevin.baumber@3rblaw.com](mailto:kevin.baumber@3rblaw.com). My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details, records of service, training records and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life, criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not been obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;

2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients, which includes authorised representatives such as Federation/ Union representatives when they are formally acting in connection with the legal proceedings;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 8 years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.1 – 24.05.2018

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)

## Direct Access

Kevin Baumber is qualified to accept instructions direct from clients under the Bar Council's [Public Access](#) Scheme. This means that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's [Licensed Access](#) Scheme.

For further information please contact our [Clerks](#).