

Accelerated Misconduct Hearing

Regulation 63 – Notification of Outcome

Officer:	Former PC 25621 Cox
Date:	28 th September 2026
Chair:	Debra Tedds

The Decisions of the Hearing

Allegation No.	Allegations (See Regulation 51 Notice)	Finding Proven / Not Proven	Outcome
	<u>Allegation 1</u> On 16 January 2025, you were asked by PC Adams, on behalf of DS Connelly, to provide the whereabouts of a mobile phone which was an exhibit in a child abuse investigation that you had previously dealt with. You informed PC Adams that the mobile phone was at Wolverhampton Police Station in the knowledge the mobile phone may have been at your home address. Following further contact from PC Adams, you disclosed that the mobile home was at your home address alongside another four mobile phones from other investigations. The mobile phone was subsequently retrieved from your home address alongside 11 other mobile devices. It is alleged you knowingly misled PC Adams and DS Connelly that the mobile phone was at Wolverhampton Police Station in the knowledge that the mobile phone may have been at your home address. By this conduct, you have breached the Standard of Professional Behaviour of Honesty and Integrity. <u>Allegation 2</u> You knowingly took and retained items of evidence into your personal possession such that: a) On 16 January 2025, the following evidential items were seized from your home address:		

RESTRICTED

	i. 12 mobile phones connected with Child Abuse Investigation (CAIT) and Regional Organised Crime Unit (ROCU) investigations. This included the mobile phone referred to in Allegation 1. ii. 1USB containing data from an extraction of a seized mobile phone. iii. 8 extraction discs containing data from extractions of mobile phones iv. 3 A4 notebooks of unused material notes from investigations including personal details of victims and suspects v. Warrant endorsement form WC258 relating to a warrant that was carried out on 09/07/2024 and authorised by a different officer than yourself vi. Official sensitive briefing pack for a police operation which detailed seven suspect images, police intelligence surrounding them and their acquaintances vii. A printed copy of an internal email chain between DS 26616 Harbour and yourself dated 08/07/2024 which included personal details of suspects and police intelligence from NAVCIS viii. A printed copy of a NAVCIS intelligence report of multiple vehicles ix. A printed copy of an email dated 05/07/24 from an officer at NAVCIS which detailed intelligence, crime numbers, personal details of suspects, acquaintances as well as multiple officer personal details including names, work addresses and telephone numbers. x. Your airwaves radio xi. Covert policing equipment related to a training course you had participated in b) On 26 March 2025, the following evidential items were seized from your home address: i. 4 extraction discs containing data from extractions from mobile phones. ii. 3 evidence bags iii. 2 keys marked 642 and response CSNO352		
--	--	--	--

RESTRICTED

- iv. Exhibit CKW/01/030124
- v. A4 sheets with writing relating to data on a computer site
- vi. A notice relating to a pre charge bail of an individual
- vii. Community Resolution form
- viii. Mobile device manual checking table
- ix. WMP form WG586 which is a disclaimer receipt regarding an individual
- x. A copy of an incomplete statement
- xi. A box of paperwork connected with Child Abuse Investigation (CAIT) and Regional Organised Crime Unit (ROCU) investigations
- xii. A compact disc 2797489/C containing media extracted from mobile phone exhibit

c) On 04 April 2025, the following evidential items were seized from your lockers at Wolverhampton Police Station and WMP Custody Suite:

- i. Vehicle Seizure Notice
- ii. WMP Premises Search Book- Log 2641 231024
- iii. Disc and a letter contained in an envelope ref 20/814/48/24

In taking the above items into your personal possession, you failed to adhere to National and Force policy concerning evidence handling and equipment.

By this conduct, you have breached the Standards of Professional Behaviour of **Confidentiality** and **Duties and Responsibilities**.

Allegation 3

You have failed to account for the location of eight items of evidence booked out on the Detained Property System in your name between 14 November 2022 and 05 November 2023. These included:

- i. Detained property number 2685299- Apple iphone
- ii. Detained property number 2689603- Two compact discs containing extraction data in relation to crime number 20/974056/22

RESTRICTED

	iii. Detained property number 2607388- Compact disc relating to mobile phone download iv. Detained property number 2709171- Compact disc containing UFDR file of mobile phone kiosk download v. Detained property number 2726459- Samsung mobile phone vi. Detained property number 2726459- Apple mobile phone vii. Detained property number 2750668- Mouth swabs viii. Detained property number 2797489- Compact disc containing media extracted from a mobile phone exhibit. By this conduct, you have breached the Standards of Professional Behaviour of Confidentiality and Discreditable Conduct.		
--	---	--	--

The reasons for the decision as to Finding:

I was satisfied that Former Officer Cox had had proper notice of the hearing and that it would be fair and in the interests of justice to proceed in his absence.

As Chair, under the regulations, I am asked to approach this case in stages, which I have done so.

Police Conduct Regulations 41 (16) sets out:

The person or persons conducting the misconduct proceedings must not find that the conduct of the officer concerned amounts to misconduct or gross misconduct unless:-

- a. They are satisfied on the balance of probabilities that this is the case, or
- b. The officer admits it is the case.

I have read all the papers received as part of the bundle and considered what has been said at the hearing. FO Cox has not submitted any regulation responses and therefore I have relied upon the interview provided by FO Cox to the IOPC as part of the investigation.

In FO Cox resignation he stated that he did not intend to contest the allegations outlined against him. He has not stated whether he admits to breaching the standards of professional

behaviour or whether he accepts them to the level of misconduct or gross misconduct. I therefore have adopted the position that there is no admission.

The burden is on the Appropriate Authority to prove the allegations on the balance of probabilities.

There are 3 allegations as outlined.

Allegation 1 – The Appropriate Authority relied upon witness statements provided detailing conversations that had taken place with FO Cox whereby it is alleged he told supervisors that the mobile phone in question was at Wolverhampton Police Station. He later confirmed that it was in fact at home and was collected later that day by a supervisor.

I find that the factual allegation against FO COX to be proven and breached the standards of professional behaviour namely – Honesty and Integrity.

Allegation 2 – The Appropriate Authority relied upon witness statements provided detailing the items seized, photographs, and the IOPC special case report. FO COX has stated that he took the property home due to a refurbishment of his workplace intending to sort it out and enter it into the system at a later date. He acknowledged that this was not the right thing to do.

I find that the factual allegations against FO COX to be proven and breached the standards of professional behaviour namely – Confidentiality and Duties and Responsibilities.

Allegation 3 – The Appropriate Authority relied upon a witness statement provided detailing an audit of detained property booked out to FO Cox and the IOPC special case report including a list of items outside of inventories. FO Cox stated in his interview that he recalls 2 of the items detailed which were returned to the owners/complainants, 1 item that was sent to another department for further examination and claimed that he could not recall/remember the others. He also stated that he had little confidence within the detained property store as this was often left open allowing access by other officers.

I note that those items are still missing. This allegation relates to failing to account for the location of the eight items as booked out to FO Cox.

Based on what I have heard and read and from the evidence within the bundle, I find that the factual allegations and breaches of Standards of Professional Behaviour – namely Confidentiality and Discreditable Conduct are NOT proven.

In determining that seriousness of the breach of Professional Standards of Behaviour for the proven misconduct (allegations 1 and 2) and having regard to the College of Policing guidance on outcomes and the definition of gross misconduct in Regulation 2 of the Regulations, in my view, the breaches of Standards of Professional Behaviour amount to gross misconduct, that is to say that they are so serious that the officer's dismissal would be justified.

The reasons for the decision as to Outcome:

As a former officer, on a finding of gross misconduct, the only outcome I can arrive at is either:

- Disciplinary action – the former officer would have been dismissed had they still been a serving member of the Force or
- No disciplinary action.

In arriving at my decision, I have carefully considered what the appropriate outcome is in this case and have focused upon the evidence presented within the bundle. I have also considered the relevant Home Office Guidance, College of Policing Guidance on Outcomes and the Police Code of Ethics.

When determining the appropriate outcome, I have kept in mind the purpose of police misconduct proceedings which is to: -

1. Maintain public confidence in, and the reputation of the police service.
2. Uphold high standards in policing and to deter misconduct.
3. Protect the public.

RESTRICTED

I have followed the structure in the College of Policing Guidance of Outcomes and have therefore assessed the seriousness of the proven conduct through culpability, harm, aggravating, and mitigating factors before considering any personal mitigation. I have reminded myself of the threefold purpose of police misconduct proceedings and then selected the most appropriate outcome, preferring a less onerous outcome where that is possible. I am mindful that the misconduct regime is not a punitive one.

Culpability

Culpability denotes the officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequence, although the consequences of an officer's actions will be relevant to the harm caused.

I believe that FO Cox's actions were intentional and deliberate in relation to both allegation 1 and allegation 2. Police Officers are in a position of trust or responsibility by the nature of their role.

Allegation 1 - FO Cox deliberately lied to a colleague when asked where an exhibit was by stating that it was at the police station. I believe this was due to the fact that the former officer panicked on being confronted and sought to mislead his colleague as to where it was, knowing it was likely to be at his home address. Honesty and integrity are fundamental requirements for any police officer and it is a serious matter if this is undermined in any way. I find the dishonesty to be operational dishonesty with the impact of the property not being located and having the potential to have significant consequences to the investigations concerned.

Allegation 2 – I believe, as a result of his training, FO Cox would and should have known that it is never acceptable to take detained property home. The force policy is clear in that all detained property should be recorded and stored appropriately. Officers are trusted to abide by this and operate in an honest manner. It is not accepted that a refurbishment of office space is a justifiable reason to breach such a policy.

I assess culpability as high.

Harm

Harm caused by an officer's actions can be considered in various ways. Misconduct may affect particular individuals in which case the harm caused may depend on the victim's

personal characteristics and circumstances. Misconduct can also harm the wider community or if the circumstances were to be known to the public, it could harm public confidence. Whilst there are no direct victims in this case, the impact on the investigations concerned is significant due to the potential loss of evidence and lack of continuity and integrity of the detained property/exhibits. If the public were to know that property had been removed to FO Cox home address and kept in an insecure manner, this would undoubtedly not only result in reputational damage to West Midlands Police and the wider service but damage trust and confidence in policing as a whole. I assess the level of harm as high.

Aggravating Factors

Aggravating factors are those tending to worsen the circumstances of the case, in relation to either the officer's culpability of the harm caused.

I have sought to avoid double counting either within the list or with the factors already considered as part of my assessment.

I have already referred to my belief that the conduct by FO Cox was deliberate and intentional. He abused his position and trust placed upon him as a Police Officer to abide by force and national policy.

Allegation 1 involved FO Cox seeking to conceal his actions and inform a supervisor that the phone was at the police station when this was known not to be the case and likely to be at his home address.

There are multiple allegations detailing a significant amount of detained property, much of which is sensitive and confidential information relating to victims and ongoing investigations, that was not stored in line with policy.

There are multiple proven breaches of the Standards of Professional Behaviour.

The officer has undergone recent training in relation to handling sensitive information and due to his level of experience, should have known the importance of handling and treating evidence.

Mitigating Factors

Mitigating factors are those tending to reduce the seriousness of the misconduct.

I acknowledge that the former officer has sought to not contest the allegations against him, and has stated that he became overwhelmed with work, taking on more and more responsibility.

Personal Mitigation.

RESTRICTED

The weight of personal mitigation will necessarily be limited, particularly where serious misconduct has been proven. Nonetheless, personal mitigation is always relevant and should always be considered.

Former Officer Cox has not submitted any character evidence in support of his case and no regulation responses have been provided. The former officer does state that he became overwhelmed by work, wanting to take on additional training and responsibility, and should have asked for help and should have been clearer with his supervisors.

I have considered the officers service record.

Selecting the Appropriate Outcome.

Having regard to the three-fold purpose of police conduct proceedings as detailed above each is relevant in my decision as to the appropriate outcome and ensuring it is a proportionate means of achieving the legitimate aim of the misconduct regime.

Having considered all of the circumstances in this case, I have decided that the only appropriate outcome to reflect the seriousness of the proven gross misconduct is to impose disciplinary action and therefore if Former Officer Cox was still serving then he would have been dismissed.

The officers name will be placed on the College of Policing Barred List.

Reg 63(2) Right of Appeal:

You have a right of appeal against the outcome under the following circumstances: -

- a) the finding or outcome was unreasonable;
- b) there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; or
- c) there was a breach of the procedures or other unfairness which could have materially affected the finding or decision on outcome.

Should you wish to appeal this must be done to the Police Appeals Tribunal by writing to the Police and Crime Commissioner, West Midlands Office for Policing and Crime **within ten working days** beginning with the day after receipt of this notice. Please note that the tribunal can increase any outcome imposed as well as reduce or overturn the decision of the chair. You have the right to be legally represented at the appeal hearing.

Decision on Publication:

RESTRICTED

Chair's Signature:	DJ Tedds	Date:	29 th September 2026