

**Notice of Outcome of Police Misconduct Hearing Police
(Conduct) Regulations 2020**

Case Reference no. CM/00025/22	
Officer concerned:	(Former) SPC 4635 Gavin Cox
Date of hearing:	2 nd April 2024
Name of person chairing:	Mary Aspinall-Miles
Name of panel members:	Christine Townsend (IPM) and Superintendent Conway Duncan

The Decisions of the Hearing			
Overview of findings			
Allegation No.	Allegation of Professional Standards breached in Summary form	Finding Proven / Not Proven	Outcome
1. Improper Emotional Relationship	a) Honesty and Integrity in conduct was compromised or capable of being so b) Discreditable Conduct c) Breach of duties and responsibilities in respect of professional boundaries	Proven	Gross Misconduct - Immediate dismissal if he had still been a serving special constable - Placed on the Barring List
2. Failure to record contact and interactions relating to the relationship	a) Honesty and Integrity in conduct was compromised or capable of being so b) Breach of duties and responsibilities in respect of recording information as he should have done and did not complete and submit necessary documentation relating to domestic abuse and/or vulnerabilities as required	Proven	Gross Misconduct - Immediate dismissal if he had still been a serving special constable - Placed on the Barring List
3. Failure to record contact and information	a) Honesty and Integrity in conduct was compromised or capable of being so b) Breach of duties and responsibilities in that he failed to inform other officers	Proven	Gross Misconduct - Immediate dismissal if he had still been a serving special constable - Placed on the Barring List

relating to potential offences, an ongoing investigation, and safeguarding risks during 19 th and 20 th May 2022	and/or supervisors of relevant information to assess and to take appropriate positive action as required to safeguard Female A and also to apprehend and prosecute Male A for potential criminal offences.		
4. Improper Searches and access to Police Held data	a) Honesty and Integrity in conduct was compromised or capable of being so b) Discreditable Conduct c) Breach of duties and responsibilities in accessing and searching force system contrary to force policy d) Breach of professional standards of confidentiality	Proven	Gross Misconduct - Immediate dismissal if he had still been a serving special constable - Placed on the Barring List

Preliminary Issues

Preliminary directions/hearings

23.11.23

Mr Cox was served with the Regulation 30 notice and case bundle

4.12. 23

Mr Cox resigned with immediate effect as a special constable

5.12.23

Phil Matthews from Wiltshire Police Federation indicated via email that Mr Cox had indicated that he had declined to respond to the notice and would not attend the hearing.

12.12.23

Case directions were made which included:

"A copy of these directions must be given to SPC 4635 Gavin Cox directly both by post to his last known address and his nominated email address. He must respond in writing and in compliance with Regulation 31 by 4pm on the 15th January 2024"

5.1.24

In response to the directions, Mr Matthews in a letter dated 5th January and on instruction from Mr Cox informed the panel :

“that the officer will not be attending the hearing and he understands that the hearing will be held in his absence. There is no instruction to require any witnesses for the officer. There are no instructions in relation to the papers and no objections to any of the evidence presented. There are no instructions from the officer in relation to points 3e, and 3f. in response to point 4. I have spoken directly with the officer, and I have provided him a copy of your directions which he has received and read. The officer has no further response under regulation 31 to offer.”

17.1.24

At a pre-hearing, Mr Matthews confirmed that Mr Cox’s position remained the same and he had not advanced any reason or explanation as to why he was not going to attend the Misconduct hearing.

He explained that Mr Cox was not going to give an indication as to whether he intended to contest the allegations and had been fully advised by the Federation as to the possible outcomes and effects of an adverse finding as well as a possible adverse inference if he did not attend.

Mr Cox was given another 14 days to indicate whether he was going to attend proceedings or had appointed a legal representative, no later than the 31st January 2024.

It should be noted that the bundle of evidence to be relied upon by the Appropriate Authority had not changed since its service upon Mr Cox in November 2023 and no witnesses were required to attend the misconduct hearing.

31.1.24 to the hearing on 2.4.24

Since the deadline elapsed there has been no further correspondence from Mr Cox and he did not attend the hearing on the 2nd April 2024.

The Panel therefore concluded that he had therefore voluntarily absented himself from proceedings on the 2nd April 2024. In the circumstances, it was determined that the hearing could proceed in his absence and that the evidence for the hearing was set out in the bundle.

The hearing was held in public but there were reporting restrictions in respect of two named members of the public who formed part of the facts of the allegations.

The hearing was audio-recorded.

Parties and Evidence

The Appropriate Authority ("AA") was represented by counsel, David Sapiecha and DC 1993 Steph Brazier attended the hearing.

The Panel are grateful for their assistance and that of Mr Matthews from the Police Federation on earlier occasions.

Documents

This is a non-exhaustive list but are the core papers that the Panel had regard to in making their decisions:

- i) The AA's Opening Note dated 4th March 2024.
- ii) The Panel also considered the following which were contained in the bundle:

Notice of alleged breach of the Standards of Professional Behaviour – Regulation 17 of the Police (complaint and misconduct) Regulations 2020 signed, dated 19/08/2022	Page(s) 4-10
Terms of Reference signed, dated 19/08/2022	Page(s) 11-12
Regulation 30 Notice signed, dated 23/11/2023	Page(s) 13-20
Email Federation – no regulation 30 provided, dated 05/12/2023	Page(s) 21
IOPC Independent Investigator's Report – Conduct, dated 01/06/2023 (Redacted to remove unfounded allegation)	Page(s) 22-76
Witness account PC 2013 Coates, dated 20/08/2022	Page(s) 78-79
Witness Account PC 2075 Songhurst, dated 22/08/2022	Page(s) 80-82
Witness Account SPC 5103 Todd, dated 23/08/2022	Page(s) 83-84
MG11 Witness Statement Female A, dated 20/05/2022	Page(s) 85-88
Additional Witness Account DI Helen Clarke, dated 15/11/2023	Page(s) 89-90
MG15 Record of Interview for SPC 4635 COX, dated 21/05/2022	Page(s) 91-142
MG15 Record of Interview for SPC 4635 COX, dated 16/12/2022	Page(s) 143-187
Storm Log 40 of 15/04/2022 (redacted to remove personal identifiers)	Page(s)

	189-229
Occurrence Log 54220038553, dated 15/04/2022 (redacted to remove personal identifiers)	Page(s) 230-233
MG11 Witness Account SPC 4635 COX, dated 15/04/2022	Page(s) 234-235
Form 232 report PC 0354 Baker, dated 20/05/2022	Page(s) 236-237
Exhibit RAJM/01 Text messages photographed by PC 0354 Baker	Page(s) 238-250
Audit results for SPC Cox from search history for Female A and Male B (redacted to remove personal identifiers)	Page(s) 251- 259
Occurrence Log 54220038553, dated 27/04/2022 (redacted to remove personal identifiers)	Page(s) 260-262
SPC 4635 COX duty sheet	Page(s) 263
SPC 4635 Cox Pocket Notebook (PNB), extract dated 15/04/2022 (redacted to remove personal identifiers)	Page(s) 264-265
Nuco training FAA Level 2 Award in First Aid for Mental Health, dated 02/04/2022	Page(s) 266
NPCC - National Strategy to address the issue of police officers and staff who abuse their position for a sexual purpose or to pursue an improper emotional relationship, dated 2017	Page(s) 268-280
NPCC - Maintaining a professional boundary between police and members of the public, undated	Page(s) 281-282
Wiltshire Police Force Policy and Procedure Domestic Abuse Policy, dated August 2021	Page(s) 283-302
Wiltshire Police & Police and Crime Commissioner Acceptable use policy, dated June 2021	Page(s) 303-322
College of Policing, Code of Ethics (Standard of Professional Behaviour), dated July 2014	Page(s) 323-356
Wiltshire Police Force Procedure Use of Pocket Notebooks (PNB's) and other Notebooks, dated April 2019	Page(s) 357-366
Wiltshire Police Force Procedure Crime Screening and Allocation, dated October 2022	Page(s) 367-386
PNLD Common Law – Misconduct in a Public Office (including Police) Narrative	Page(s) 387-388
PNLD Section 170 of the Data Protection Act 2018	Page(s) 389-391

- iii) There was no Regulation 31 response submitted on behalf of the Officer.
- iv) After the panel reached their decision on the allegations, Mr Cox's antecedents were provided to the panel for consideration.

Framework for decision making

The Panel gave due consideration to the Standards of Professional Behaviour as set out in the Police (Conduct) Regulations 2020 and the relevant Home Office Guidance.

In addition, we have reminded ourselves that the overriding concern is fairness to the officer concerned and the AA.

Finally, we have reminded ourselves that the purpose of professional disciplinary proceedings is not, primarily punishment, but to protect the public and to maintain the high standards of expected of the Police both generally and locally so that there remains trust and confidence.

Former Officers

By the time of the hearing, SC Cox was a former officer but at all material times in the allegations was a special constable. The Police (Conduct) Regulations 2020 apply to Special Constables. He resigned after the allegations came to the attention of a relevant body and he therefore satisfies Condition A of Regulation 4, and thus the Police (Conduct) Regulations 2020 apply.

Burden and Standard of Proof

The burden is on the AA to prove that the Officer behaved in the manner that is alleged and on the balance of probabilities even where the evidence is unchallenged as it was in this case as Mr Cox did not attend.

However, the Panel do not need to make a finding on every issue as presented and need only make findings on those issues which are considered relevant and material to the determination of the allegations and level of misconduct if so found. The Panel are entitled to draw inferences from the evidence but must not speculate.

After that, the Panel must decide whether the conduct of the officer has breached the Standards of Professional Behaviour on the facts as proven.

If so then the Panel must consider whether any breach amounts to misconduct or gross misconduct.

Each allegation should be considered separately but the Panel may take into account its findings in respect of one allegation when considering any other allegation. It is open to the panel to consider whether the cumulative effects of any breaches taken together would amount to "gross" misconduct.

Introduction to Fact Finding

In setting out its decisions, the Panel will be summarising the evidence on the essential elements rather than reproducing the evidence in totality.

As a general overview of the allegations, this was a course of conduct marked by a series of deliberate omissions by Mr Cox designed to conceal his activities. In coming to our conclusions, the Panel took into consideration what the evidence showed was missing and that his actions were a series of deliberate choices rather than inadvertence or incompetence.

We also note that all of the allegations essentially overlap each other and effectively flow from Allegation 1.

The motive for him doing so is unclear and the AA presented its case on the basis that there was no direct evidence of any sexual impropriety.

What was plain was that Mr Cox stepped outside of the framework whose purpose is designed not only to protect the Public but to also protect officers in the execution of their duties.

As Mr Cox did not attend the hearing or give a s31 response and the Panel relied upon the interviews that he gave. On that basis, he did not appear to be challenging the facts of Allegations 1-3 as such but denied that he committed Allegation 4.

It is worth rehearsing that the Panel paid particular regard to the Form 232 report of PC 0354 Baker, dated 20th May 2022 and Exhibit RAJM/01 which were text messages photographed by PC 0354 Baker from Female A's mobile phone. PC Baker's immediate concern at the situation which had developed between Mr Cox and Female A as well as the safeguarding risks for Female A was in marked contrast to the conduct of Mr Cox.

We note that Mr Cox became a special constable in 2018, then aged 34 and so by the time of the allegations was neither inexperienced nor immature. He would therefore have been entrusted with a degree of autonomy in discharging his duties and it appears he abused that trust placed in him.

Findings of Fact

Allegation 1- Improper emotional relationship

Evidence considered included : transcripts of interview with Mr Cox, a witness statement from Female A, witness statements of Police Constable Coates ,Witness statement of Police Constable Songhurst, witness statement of Police Constable Todd ,report by Police Constable Baker, an exhibit of screenshots taken by Police Constable Baker and the extant police records relating to Female A and Male A in the bundle.

On the 15th 2022 Mr Cox met Female A in the course of his duties. Her then partner Male A had been reported as missing and due to his vulnerabilities was considered high risk. It is quite clear looking at Female A's witness statement that she has provided that she was also a vulnerable person. Moreover, the circumstances in which Mr Cox and Female A first met were sufficient to show that she was a vulnerable person. Mr Cox was tasked to take part in the search for the missing Male A and that led him to arrest Male A whom he found unwell and under the influence of drugs and or alcohol whilst in charge of a motor vehicle.

Mr Cox was made the officer in the case in charge of investigating the Motoring allegation relating to Male A. This investigation did not carry on for very long. Despite this, Mr Cox continued and maintained contact with both Female A and Male B. Contact was outside anything that would have been considered appropriate for an investigating officer and was not recorded in any police recording system. In short, Mr Cox continued to see both parties long after there was any justifiable reason for his continued involvement with them. Mr Cox would not only telephone Male A but also drop in at the home of Female A to visit her

His involvement with them was more than just a police officer conducting welfare checks or following up on an ongoing case. The incidents set out in the witness statements of PC Coates and PC Songhurst illustrate that these visits occurred even whilst he was on duty. The Panel note in passing that these incidents both occurred when he was on duty with newly qualified police officers.

Mr. Cox inserted himself into the dynamics of the relationship between Female A and Male A acting quite frequently as an interlocutor between Female A and Male a during relationship difficulties. Moreover Female A would telephone or text Mr Cox seeking his help or guidance when she became concerned about the behaviour of Male A. Male A was a man with whom she had only recently begun a relationship with or around the beginning of April 2022.

As a result, she was not calling the police or accessing more appropriate channels to help her with her difficulties. This meant that a serious safeguarding risk was created as there were no police or other records relating to what was allegedly happening to her at home. Due to Mr Cox's is direct involvement in the relationship between Female A and Male A, Wiltshire Police and other relevant authorities/agencies such as Social Services were denied information and thus unable to assess any risk to Female A, her children or indeed Male A who appeared to have mental health difficulties.

There is direct evidence of the improper relationship set out in the screenshots of text messages exchanged between Mr Cox and Female A on or around the 19th of May 2022. The panel noted Female A's hesitancy to do so for fear to getting Mr. Cox in trouble which indicates that she was aware that the friendship was inconsistent with his professional duties. She did not give a complete set of screen shots covering the entire period either. These screenshots show a tone that is over familiar and with a frequency which again points at the improper nature of their relationship. In presenting the case the appropriate

authority said that Mr Cox gave the appearance of being their “go to” police officer and someone to whom they had direct access in the role as a police officer. The panel agree with this analysis but go further as it is evident that Mr Cox had allowed his professional judgement to become clouded by the nature and extent of his contact and interactions with Female A and to a lesser extent, Male A.

The panel reminded itself although they are not expressly referred to in the evidence, Female A was a vulnerable mother with children living at the address where a potentially violent and/or suicidal partner had access and would visit. It is telling that despite knowing that children were or may have been exposed to risk of harm, Mr Cox still did not report his concerns, the information received or log the intelligence anywhere. His failure to log these items, the panel concluded were part of his ongoing attempts to cover up what he knew was plainly an improper emotional relationship primarily with Female A.

This involvement by Mr Cox in the relationship was still ongoing by the 19th - 20th of May 2022. There was therefore a period of just over a month in which Mr Cox failed to record any of his contact with either of these individuals or importantly, any potential risk that was emerging during the course of the relationship. It is the view of the panel that a period of four weeks is a more than a sufficient time to reflect upon the appropriateness of any contact Mr Cox was having with Female A and Male A or to rectify his failure to record information that might be relevant to assessing risk.

The panel also concluded that it whilst there was no sexual motivation on the evidence, there was also no sense that this improper relationship was going to end and that it only came to a conclusion when other police officers were called out to investigate Male A. Even when Mr Cox was aware that Male A was wanted by Police he did not report any information about Male A including his own contact with him to his supervisors or other officers. Instead Mr Cox advised, Male A to hand himself rather than pass on information to assist in apprehending a potentially dangerous individual with known connections to the supply of Class A drugs.

The panel note that in his interview Mr Cox said that he had an interest in mental health issues and there is some limited support by way of a mental health first aid certificate awarded to him within the bundle. However, the vulnerabilities and complexities of the relationship between Female A and Male B were such that he should have passed on information to those better qualified and equipped to assist them. His lack of judgement and experience without any oversight by superiors also exposed Mr Cox to two potential risks of manipulation and all corruption in his role as a police officer.

Finding:

We find the allegation proved and that it amounts to a breach of the Standards of Professional Behaviour relating to Honesty and Integrity in conduct, Discreditable Conduct, his duties and responsibilities in respect of professional boundaries

Allegation 2

Evidence considered: As above

Allegation 2 is closely intertwined factually to Allegation 1.

It follows that arising out of the facts of Allegation 1 that Allegation 2 is the natural consequence of the it which the panel considered after the conclusion of the consideration of Allegation 1.

The panel found that that Mr Cox was deliberately failing to record the contact or intelligence or information that he was gaining as it would have alerted his superiors, other officers or other authorities to the true extent and nature of his relationship with Female A and Male A.

The panel came to the conclusion that on the evidence, Mr Cox knew that Female A was vulnerable having previously been a victim of domestic abuse with her own mental health issues. Additionally, Mr Cox first became involved with Female A and Male A following a serious suicide attempt by Male A and therefore Mr Cox also knew that Male A was also vulnerable.

The panel note that the screenshots provided only a partial record of the level and nature of contact that Mr Cox had with Female A.

The panel were satisfied that Mister Cox had also had telephone conversations with Male A in circumstances where he should have recorded the contact. Particularly where it is said to have related to intelligence relating to the supply of Class A drugs. This aspect particularly placed Mr Cox at risk of compromise as well as potentially undermining public confidence and trust in the police as it gave the appearance of corruption even if that was not the intention of Mr Cox.

The panel were satisfied that Mister Cox visited the home of Female A on at least three occasions as well as meeting her for coffee outside of her home.

There is no record of any of the contact Mr Cox had with either Female A or Male A on any relevant police data system, police pocket notebook, or any other form of police recording system such as a DASH form, for example. The panel consider this failure to record information or pass on intelligence about a pair of vulnerable individuals in an intimate relationship was especially serious given the potential risk of harm demonstrated by Male A's recent and previous suicide attempt or her allegations of physical abuse. There was also a lack of safeguarding assessment. If there had been a serious incident of violence or worse, the police would have had no record whatsoever of the risk of harm arising out of that relationship especially to Female A.

Allegation 2- We find the allegation proved and that it amounts to a breach of the Standards of Professional Behaviour relating to Honesty and Integrity in conduct and to his duties and responsibilities in respect of professional in respect of recording information as required or submitting meeting the requisite documentation in relation to potential domestic abuse and/or vulnerable people.

Allegation 3

Allegation 3 relates to the events covering the evening of the 19th and 20th of May 2022.

Mr Cox was contacted by Female A and she disclosed that Male A had assaulted her at home. Mr Cox should have immediately reported that himself but did not do so.

She then went on to further disclose that Male A had been drinking heavily and consumed 3 pints of cider and two bottles of wine. Female A said that it was her belief that Male A had driven off in his car and that he was therefore drink-driving. The panel found that these allegations were so serious that Mr Cox should have immediately informed his superiors and/or other police officers about them. He was aware at that point of an alleged incident of domestic violence as well as a possible drink driving offence which may have put the public at risk of danger.

Furthermore as set out above in Allegation 1, the Panel found that Mr Cox had failed to make any

contact with his superiors or other officers to report not only that he had a conversation with Male A but also the contents of the conversation.

As with allegation 2, he did not record or report any of the contact or information or evidence that he was party to during that night. The panel found this to be a significant failure in his honesty and integrity as a serving police officer.

Allegation 3- We find the allegation proved and that it amounts to a breach of the Standards of Professional Behaviour relating to Honesty and Integrity in conduct and a breach of his duties and responsibilities in respect to inform officers and supervisors in a timely fashion of relevant information appertaining to the safeguarding of Female A and the apprehension and investigating of Male A for potential criminal offences.

Allegation 4

This allegation relates to improper searches and access to police held data namely that on the 17th of May 2022, Mr Cox accessed police databases looking for information in relation to Male A and also information relating to Female A.

At the time the information was accessed, Mr Cox was not only off duty but also not involved in any active case involving Male A or Female A. When he was interviewed he denied that this had happened but an audit of the computer systems showed that it must have been him accessing the material.

The panel noted in coming to these conclusions that these unauthorised searches occurred on the 17th of May and that by the 19th of May, there was a significant incident involving Female A and Male A which resulted in Female A being assaulted by him. This makes the material he looked at in relation to Female A all the more significant as by this time, Mr Cox was well aware of the dynamics and potential risks.

Allegation 4 - we therefore find fact allegation 4 is proven and that you breached professional conduct in searching and accessing police databases without a lawful policing purpose such conduct amounts to breaches of standards of professional behaviour in respect of honesty and integrity, discreditable conduct, discharging your duties and responsibilities in breaching force policy on the use of systems and breaching confidentiality.

Findings on Gross Misconduct/Misconduct

The panel found that Mr Cox's conduct in respect of all four of the allegations amounted to gross misconduct as defined in regulation 2 police conduct regulations 2020.

The panel found that not only was each

allegation a breach amounting to gross misconduct but that the cumulative effect of all four allegations would in any event amount to gross misconduct.

Findings on Outcome

The College of Policing Guidance on Outcomes in Police Misconduct Proceedings is a document that clearly sets out the stages of the decision-making process. We have applied those Guidelines and that process to our decision-making.

The first stage of deciding on the outcome is to assess the seriousness of the conduct.

The second stage is to keep in mind the purpose of the police misconduct regime. This has three elements: to maintain public confidence in and the reputation of the police service, to uphold high standards and deter misconduct, and to protect the public. The police misconduct regime is not designed to punish police Officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils the purpose given the seriousness of the conduct in question. We were also mindful of the principles set out in R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel [2018] 11 WL UK 822 and Police Misconduct Panel v Officer “A” – Interested Party [2020] EWHC 1400 (Admin) which emphasizes the importance of following the structured approach as set out in the CoP guidance.

We have started by assessing the seriousness of the conduct, considered the harm caused by the Officer’s actions, his culpability, and the existence of any aggravating or mitigating features.

As there has been a finding of Gross Misconduct in respect of each allegations, we find that the cumulative effect of all would have led to him to being dismissed immediately had he remained acting as a special constable as the only available sanction given the gravity .

Culpability

We found that the following features applied:

- Deliberate and intentional acts
- Choices made by an experienced SPC
- Over a period of time which was of sufficient Length for him to reflect and/or consult with more senior officers
- in respect of allegation 4: he was not on duty

Harm

- Risk of harm to others was high - identified individuals/generally/other police officers' safety
- Grave reputational damage had been done to policing as a whole which would undermine Public confidence and trust

Aggravating Features

- MH illnesses and vulnerabilities of Female A and Male B
- Domestic Abuse context
- Failure to record were designed to cover up wrongdoing
- Failure to pass on or information about Class A Drug dealing – reputational damage is signification
- He had recently to the allegations completed training on the proper use of force IT

Mitigation

- His previous good disciplinary record
- Resignation
- He has not tried to contest these proceedings in particular adding to the distress of Female A or indeed Male B

Signed
Chairperson

Signed
Independent Panel Member

Signed
Police Panel Member
