IN THE MATTER OF POLICE (CONDUCT) REGULATIONS 2024

Case Number: CM/27/24

Lincolnshire Police

-v-

PC 794 ANDREW COOKSON (The Officer)

1. The Panel sat on October 4th and 5th 2026 at Lincolnshire Police Headquarters.

2. The Panel was chaired by Temporary Assistant Chief Constable Kate Anderson sitting with Mr Muhammad Hussain and Ms Lynn Kemp (Independent Panel members), assisted by Mr Peter Cadman, the Legally Qualified Person.

3. Mr Daniel Penman, counsel, represented the Appropriate Authority (AA).

3.1 The Officer was represented by Mr. Steven Reed, counsel.

4. The Officer faced the following allegations:

It is alleged that your on duty conduct has breached the standards of professional behaviour as follows:

1. Facts

1.1. You commenced employment with Lincolnshire Police in December 2002 and at all material times held the role as Drugs Expert Witness.

1.2. On 3 January 2024, you were rostered to work between 0800 hours and 1600 hours.

1.3. On 3 January 2024, Lincolnshire Police identified that Address 1 (The Old Bus Depot, Ropery Road, Gainsborough) was a property being used for the purposes of the cultivation of cannabis, and an investigation was commenced into a suspected offence. The property was contained as a ‘crime scene’ for that purpose.

1.4. On 3 January 2024, at approximately 1220 hours you attended Address 1 in your role as DEW. You drove to that address in a police marked vehicle, namely the DEW van, registration number FX67 CMY.

1.5. At all material times you were aware that you were not permitted to remove property from a crime scene for your own purpose.

1.6. Whilst in attendance at Address 1, you removed items from Address 1 without reasonable excuse and/ or lawful authority as follows:

1.6.1. 4 x four pack of Red Bull cans and 2 x 8 pack of Red Bull cans; and/ or

1.6.2. One or more bottles of laundry detergent/shampoo; and/ or

1.6.3. Packets of sweets, chocolate and/ or biscuits; and/ or

1.6.4. A quantity of Coca Cola cans; and/ or

1.6.5. Two blue “bags for life”; and/ or

1.6.6. A can of Fanta.

1.7. At approximately 1655 hours, you left Address 1. You returned to South Park Police Station at 1739 hours, where you entered the property store with four brown exhibit bags, which you booked into the property store, which did not include any items as noted at paragraph 1.6 above.

1.8. At 1805 hours, you returned to the DEW van and removed items from the same, which included a blue JD Sports carrier bag and a rucksack. You thereafter entered the South Park Police Station, before exiting through the pedestrian gate to the car park.

1.9. You returned through the pedestrian gate, empty handed, at approximately 1917 hours, before entering South Park Police Station.

1.10. You thereafter returned to the DEW van, where at approximately 1919 hours, you moved the DEW van and parked it in a van bay within the operational car park. You then removed from the back of the van two large blue “bags for life“ which you had removed from Address 1 and/ or which contained some or all of the items which you had removed from Address 1 identified at paragraph 1.6.

1.11. You also removed a coat from the rear of the van. You put the coat on and walked away from the DEW van.

1.12. You returned to the staff entrance for South Park Police Station. You took the coat off and placed the coat over the two large bags, in an attempt to conceal the bags and/ or the contents of the same.

1.13. You entered South Park Police Station leaving the bags unattended before exiting a short while later. You put the coat on and thereafter at 1925 hours,

you left the grounds of the staff car park at South Park Police Station through the pedestrian entrance at 1926 hours carrying those two large blue bags for life and their contents.

2. **Particulars of Misconduct**

   2.1. In respect of your conduct at paragraph 1.6. you acted dishonestly as you removed items from Address 1.

   2.2. In respect of your conduct at paragraphs 1.7 to 1.13 you acted without integrity as you intended to conceal the fact that you had removed items from Address 1 and/ or intended to conceal the items which you had removed items from Address 1.

   2.3. Your conduct undermines public confidence in the police service.

3. **The conduct, if proved, amounts to gross misconduct for the following reasons:**

   3.1. Your conduct was fundamentally dishonest

PRELIMINARY MATTERS

4. The Panel had read the hearing bundle. At the hearing an extra page that had been exhibited to the Officer's Regulation 31 Reply was presented to the Panel. This was added to the hearing bundle with the consent of both parties The Panel had also viewed the video evidence.

5. The Officer's Regulation 31 Reply denied the allegation of misconduct and he confirmed that position at the start of the hearing.

EVIDENCE

6. The following paragraphs 7 to 13 are a summary of the evidence heard and not a complete record. All evidence heard and seen was considered by the Panel, as were all the written witness statements and documents in the hearing bundle and the video evidence .

7. PC Dalton

He made a statement in this investigation and that statement is true. He became a suspect in this investigation and that has had a mammoth adverse impact on him. He was exonerated and there is no suggestion made by the Officer that he was in any way responsible for the missing items.
He was tasked with being a crime scene guard on January 3rd 2024 having been called in from a day off. The Officer had invited him for a walkthrough and he accepted that that was at 3:40pm. This was around the time that the Officer was undertaking a video record of the premises. The walkthrough was for short duration or perhaps 5 minutes and whilst he was in the premises he went to the toilet. He did not see the officer leave carrying any blue bags. He did see the officer carrying a number of evidence bags. He found it unusual as this was after the video.

8. The Officer

He confirmed that at the time of the event he had been a police officer for 22 years. He was a drug expert witness (DEW). On January 3rd 2024 he was alone as one of his colleagues was off sick and another couldn't attend. There were only three DEWs.

Apart from the current allegations, he has had no prior misconduct proceedings and there are no other ongoing misconduct proceedings.

He had produced one's bank statement covering December 22nd 2023 showing him in credit of £881.74. He stated that he was not in a difficult financial position at the time but is in a debt management plan. He did accept that he owed at the time between £15k and 20k. The bank statement produced showed a purchase at Lidl. He did not explain why a bank statement was not produced for the day of the events.

He explained the layout of the building where there was the cannabis farm and he confirmed that he recorded the evidence on a police issue hand held camera. He saved the footage later and produced it to this investigation.

There were other officers there including PC Dalton and two Crime Scene Investigators (CSI). He accepted that items had gone missing from the premises and he accepted that he was alone in the crime scene for about the 30 minutes until 16.55.

The only items he took from the scene were evidence bags containing cannabis. He took no other items.

There was another cannabis farm discovered 17 days later near these premises with similar contents.

On his return to the station, he initially parked the van in its normal parking space. He accepted that he got out of the van and then got back in again. He said he then remembered he had to take the exhibits to the property store. He drove the van there rather than carry the exhibits because the cannabis plants were large and heavy, and he parked the van near the property store. He logged the exhibit bags into the property store.

He then carried his backpack and a JD Sports bag from the station to his car. The backpack had his laptop in it and the bag had his clothes that needed cleaning. He took these to his car. He denied that he at that stage moved his car to be nearer to the entrance.

He moved the van from the property store to its normal parking place. He accepted but he spent two minutes 45 seconds at the back of the van. He denied that he used this time to put items taken from the crime scene into the two Lidl bags. He carried the two bags and left them short distance away from the station putting his coat over the top of them. He denied that this was a further attempt to hide their contents. He accepted that he did look back two or three times at the bags during the short walk to the doors.

In the two large bags were his boots, his black fleece jacket, his overalls and gloves. He was going to take them home to clean the boots and wash the other items. These were the only items in the two bags. He denied that the bag contained items improperly removed from the crime scene.

Decision on Facts and Allegation:

9. The Panel approached its task by:

    a. First deciding the facts;

b. Second determining if any professional standards had been breached, and if so;

c. Third deciding at what level we assessed the seriousness of those breaches.

10. The Panel considered all the evidence the evidence in the hearing bundle, the video evidence and the oral evidence it had heard. The Panel also took into account the points raised in the helpful submissions of counsel.

11. The Panel applied the following principles:

a. The burden of proving any allegation rests with the Appropriate Authority. The Officer does not have to prove anything, let alone his innocence from Misconduct.

b. The standard of proof in establishing any fact is the balance of probabilities.

c. The Panel does not have to decide every matter in dispute; only those which assist it in making a decision as to whether or not a particular allegation is proved.

12. The Panel is required to consider and where possible determine factual matters not specifically alleged within the Regulation 17 notices, but which are nonetheless relevant to an allegation.

13. The Panel can draw inferences from the evidence adduced before it, meaning it can reach common sense conclusions arising from that evidence, but must not cross into speculation. Any conclusions reached must be reached fairly.

14. The Panel must not find that the conduct of the Officer amounts to gross misconduct unless:

(i) The Panel is satisfied on the balance of probabilities that this is the case, or

(ii) The Officer admits it is the case.

Factual Determinations

15. The Panel was aware that the officer was of good character and noted the character references that were produced to it. The Panel reminded itself that good character was not a defence to allegations but gave weight to it in considering whether the Officer was likely to behave in the way as alleged and as to the credibility the evidence he gave.

16. The Panel also noted the financial circumstances of the Officer but had been provided with limited evidence in that regard. The panel did note that the only financial documentation provided was a bank statement showing a credit of £647.02 some three weeks before his next payday. This did not cover the date of the alleged offences. The Panel was informed that the officer was in a debt management plan and had been since COVID And that at the time of the alleged offence he probably owed between £15,000 and £20,000.

17. The Panel had been addressed as to the timing of the absence of the items. The Panel accepted the evidence of PC Ellerton that he specifically noted items including Red Bull missing, from when he was at the scene earlier in the day. This is further confirmed by photo evidence from the scene. On his return he noted that they were missing and raised the matter with PC Dalton.

18. The Panel had been addressed on behalf of the Officer that a third party could have removed the items and referred to another cannabis factory in the building next-door which was only discovered some days later. The panel found it implausible that either any 3rd party from that second cannabis factory would have entered the building that was subject to police guard to remove the items in the allegations, or that an individual had been hiding within the original scene and had been able to remove them. From the time that PC Ellerton noticed the items present at the scene to the time that he noticed that they were missing, the building had been occupied by police officers and CSI staff.

19. The Panel therefore found that items had to have been removed by one of the officers or one of the crime scene investigators.

20. The Panel found the Officer had the ample opportunity to remove the items including whilst PC Dalton was in the toilet, or later in the day when he was in the premises alone.

21. The Panel noted the movements of the Officer on his return from the crime scene to the police station and the explanations that he provided. These include:

    (a) Initially parking the van in its parking space and appearing to spend time in the back of the van. The panel noted his explanation that he had park the van there as he had initially forgotten that he had to lodge exhibits into the property store.

(b) He then rather than carrying the exhibits to the property store drove the van there. The Panel found his explanation that this was to do with the weight of the exhibits implausible. The video footage in the property store showed the exhibits being easily handled by the Officer in one hand.

(c) He then appeared on the footage with a backpack and a JD Sport Bag from the direction of the Property Store. He entered the police building with these items and is then seen taking them to his car. The Panel noted that he asserted that these contained his laptop and his sports clothing. The Panel noted that this was contrary to his assertion that he does not take any contaminated items into the main station.

(d) The Panel from viewing the CCTV footage do find that the officer moved his car to be nearer the station entrance. The Officer denied this but the panel is persuaded that he did.

(e) The Officer then returned to the van and moved it from outside the property store to where it is normally parked. This is of course where he had originally parked the van. He is then seen for nearly three minutes with the back doors of the van open doing something within the van. He was not able to provide in evidence any explanation as to what he was doing for that length of time. The Panel found that if he were only putting his uniform in the bags this was an excessive amount of time to take. The Panel found that he was using that time to place the taken items into the two bags and in such a way that they didn't show.

(f) The Officer then left the van carrying two large Lidl bags. The Panel concluded from viewing the video footage that both bags were heavy. The Officer in his evidence stated that they only contained work boots, fleecy

jacket, gloves and overalls. The Panel found that this was implausible and that the Officer was in fact carrying the heavier items that had been taken from the crime scene. The weight of the bags was inconsistent with the items the Officer said they contained, and totally consistent with them containing stolen property.

(g) The Officer put the bags down outside the station, but not right near to the door, and put his coat over the top of the bags. The Panel found his explanation for doing this not credible namely that they contained items that had been at cannabis factory and therefore smelt. This was inconsistent with him earlier carrying inside the JD Sports bag and laptop earlier on. The Panel found that it was totally consistent with leaving Items he had taken from the crime scene outside and covering with his coat to hide the contents further. The Panel did note the officer looking back at the bags two or three times demonstrating his clear concern for their presence and contents. In addition, the manner in which he put the bags down and his gait when carrying them was consistent with items of much more weight than his clothing items for cleaning.

ALLEGATIONS

22. Turning to the specific allegations in the Regulation 30 the panel found:

Allegation 1.1 to 1.5 admitted and proved

Allegation 1.6 .1 to 1.6.6 proved

Allegation 1.7 to 1.9 admitted and proved

Allegation 1.10 Proved

Allegation 1.11 admitted and proved

Allegation 1.12 Proved

Allegation 1.13 admitted and proved

23. Both advocates had agreed in their submissions that, if the allegations were proved the conduct would breach the standards as alleged and would constitute gross misconduct. The Panel agreed with these submissions. The Standard of Honesty and Integrity and the Standard of Discreditable Conduct were breached. The Panel also concluded that the Officer's conduct was gross misconduct being conduct which could justify dismissal without notice. His actions were deliberately dishonest removing items from the scene of a crime.

DECISION ON SANCTION

24. The Panel heard submissions on sanctions. The AA submitted that dismissal was the only appropriate and proportional outcome. For the Officer it was submitted that it was a matter for the Panel.

25. The Panel considered the Guidance on outcomes in police misconduct hearings and the Panel bore this in mind in its deliberations.

26. The Panel was aware there had been no previous misconduct allegations. The Panel noted the Officer's service record and the character evidence produced on his behalf.

27. The Panel bore in mind the threefold purposes of the police misconduct regime namely:

(a) Maintain public confidence in and the reputation of the police service

Uphold high standards in policing and deter misconduct

Protect the public

28. The Panel first considered the seriousness of the proven allegations and took all factors into consideration and these include:

Culpability

Harm

Aggravating factors

Mitigating factors

29. Culpability

The actions of the officer were intentional and deliberate.

His actions constituted dishonesty by a serving police officer.

This was operational dishonesty.

The Panel found the level of culpability was High

30. Harm

His actions caused reputational damage to the police service.

Harm was called to colleagues impacted by his conduct and the panel accepted the evidence of PC Dalton of the considerable adverse impact caused to him as a result of the Officer's conduct.

The Panel found the level of harm was High

31. Aggravating circumstances

The Officer gone to great lengths to conceal his wrongdoing.

There was deviation from force policy.

There was no remorse or insight.

32. Mitigating circumstances

This was one incident over a relatively short period of time during a lengthy unblemished police career.

Having taken all into consideration, the Panel found the level of seriousness was High

33. Personal mitigation

(a) The Panel noted the Officer's good character.

(b) The Panel took this into consideration but gave limited weight to this in determining the appropriate sanction.

DECISION

34. The Panel considered whether a final written warning was appropriate and proportionate. However, it decided that such a sanction would not be adequate to reflect the seriousness of the misconduct. This was an act of dishonesty on duty which also threw suspicion on his colleagues.

35. The threefold purposes of the police misconduct regime, and in particular the purpose to maintain confidence in and the reputation of the police service, can only satisfied by dismissal without notice in the particular circumstances of this case.

36. He should be placed on the barred list.