

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE  
(CONDUCT) REGULATIONS 2020

CM/879/25

BETWEEN:

**THE COMISIONER OF POLICE OF THE METROPOLIS**

The Appropriate Authority

-and-

**DI Ben COOGAN**

The Officer Concerned

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**NOTICE OF OUTCOME ACCELERATED POLICE MISCONDUCT HEARING  
(REGULATION 63 POLICE (CONDUCT) REGULATIONS 2020)**

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Officer concerned: DI Ben Coogan

Date of hearing: 26<sup>th</sup> April 2026

Name of person chairing: Commander Andy Brittain

[References in this decision to the Conduct Regulations are to the Police (Conduct) Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2024 and the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025. The Appropriate Authority is referred to as AA].

**The Decisions of the Accelerated Misconduct Hearing**

**Summary**

1. The Allegations were found proved. It was determined that DI Coogan's conduct had fallen below the standards expected of a serving police officer such as to contravene the Standards of Professional Behaviour and to amount to gross misconduct. It was determined that the only viable outcome in DI Coogan's case is dismissal without notice and entry on the barring list.

**Attendees**

- DI Coogan attended and was represented by Mr Paul Wakerley (counsel) and PC Danny Lawrence (Federation Representative).

- The AA's case was presented by Miss Louise McCoullough . The AA case manager, Carl Binas, was also in attendance.
- The Chair was assisted with applicable procedure/law and drafting by a lawyer, Miss Elisabeth Acker. However all decisions (including on the allegations, gross misconduct and outcome) were the Chair's alone.

## **Evidence and documentation**

2. The Chair had been provided with the following evidence and documentation:

From the AA:

- a. Special Case Certificate
- b. Email from CI Dave Burn RE: Special Conditions met dated 30/04/2026
- c. Regulation 51 Notice – Allegations – Form 3355D
- d. Investigating Officer's Report
- e. Form 163 – Regulation 17 Notice signed and dated 24/10/2025
- f. Description of found Images
- g. MG14 – DI COOGAN's statement dated 16/11/2025
- h. Second MG14 - DI COOGAN's Statement dated 20/12/2025
- i. DI COOGAN's CARMS between May 2025 – July 2025
- j. Image 1 - 29/07/2025
- k. Image 2 - 13/07/2025 (Images 3, 4, 5,6 and 7 are duplicates of this image)
- l. Image 8 - 30/05/2025
- m. Image 9 - 30/05/2025
- n. Image 10 - 23/05/2025

From or on behalf of DI Coogan:

- (a) Final Regulation 54 Response
- (b) 17 character statements (at outcome stage)

## **Allegations**

3. The allegations against DI Coogan were as follows:

*Following a routine audit of your Metropolitan Police Service (MPS)-issued mobile device, it was identified that between May and June 2025 you took and retained multiple intimate and/or sexually explicit images of a female on that device.*

*You had no legitimate policing purpose for taking or retaining these images.*

*Your actions constitute a misuse of MPS information and communication technology systems and amount to a clear breach of MPS ICT policy, namely:*

- i) Para 2.6 – Misuse of MPS ICT Systems, and*
- ii) Para 2.6.1, which states that users must not knowingly adapt, create, display, download, copy, store, transmit, or view: “any material that could harm the MPS’s effectiveness or reputation, or its staff and officers.”*

*The creation and storage of sexualised material on an MPS-issued device is wholly inappropriate, undermines professional standards, and is incompatible with the responsibilities and expectations of a police officer.*

### *Professional Standards of Behaviour*

*In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:*

- i) Duties and Responsibilities*
- ii) Order and Instructions*
- iii) Discreditable Conduct*

*In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and public.*

*As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct, and your dismissal may be justified.*

### **Preliminary matters**

*Public proceedings:*

4. The Chair confirmed that in advance of the proceedings, he had been supplied with the hearing documents in accordance with Regulation 56 of the Police Conduct Regulations 2020 (as amended) and considered representations from the AA, before determining that the hearing ought to be held in Public.

*Notice:*

5. The Chair was satisfied the misconduct papers were served properly and noted DI Coogan has responded under Regulation 54 Police (Conduct) Regulations.

*Application by defence regarding the AA's re-assessment of severity and the concomitant reallocation of this case from the standard to the accelerated procedure:*

6. Submissions: Mr Wakerley, on behalf of DI Coogan, argued changing the severity assessment resulting in a switch of track for this case from the standard to accelerated conduct process created an unfairness in that the decision maker in this process is a single commander, there are no independent panel members extrinsic to the police contributing to decision making. He submitted the remedy to this unfairness would be to revert the case to the standard track under Part 4 of the regulations.
7. Miss McCullough confirmed she had taken instructions and the AA were not minded to remit this to standard track. She noted the limits of the Chair powers so to do but did not oppose a short adjournment should the chair be minded to invite the AA to reconsider.
8. Legal Advice: The Chair received legal advice that the regulations did provide for the AA changing its severity assessment at PCR 2020 14(6): "At any time before the start of misconduct proceedings, the appropriate authority may revise its severity assessment under this regulation if it considers it appropriate to do so."
9. The Chair was advised the Outcome Guidance (at para 1.3) and Home Office Guidance (*Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards and Integrity in Policing Issued by the Home Office*) both confirm this power.
10. The Home Office Guidance was set out for the Chair:

*7.11 The appropriate authority may revise its severity assessment at any time prior to the start of disciplinary proceedings, where it appears that their initial assessment was incorrect or where new information has been found which affects the original assessment.*

*7.14 Care should be taken in revising the severity assessment to ensure that there is no unfairness to the officer concerned. Where the appropriate authority does revise its severity assessment, it must, as soon as practicable, give the officer concerned written notice of the change as well as the reasons for this change, subject to the harm test as set out in **Regulation 6** of the Conduct Regulations.*

11. The Legal Advisor observed the Home Office guidance dealt specifically with different circumstances in which the severity assessment was reduced but did not address specifically the circumstances here where severity was re-assessed upwards. However, clearly the Home Office guidance required care to be taken to avoid unfairness in situations where severity is re-assessed and that was the issues raised by the defence here.
12. The Chair was advised he did not have a power to revert a case from the accelerated process to the standard process at this stage.
13. Under Regulation 50, before the beginning of the accelerated hearing, the power to remit the case to be dealt with under Part 4 is only available to the AA and only in the circumstances the AA consider the special considerations are no longer satisfied.
14. The only power of remission available to the Chair is at 62(8) which provides remission of the case to be dealt with under Part 4 as an outcome available where gross misconduct is not found. Clearly, we were not at that stage.
15. Therefore, thinking practically, at this stage, the only route available to Chair was to invite the AA to reconsider its decision.
16. The Chair was reminded of his ability power adjourn a hearing under Regulation 61(3) and it was agreed he could do this inviting the AA to consider exercising their power to remit the case to be dealt with under Part 4. It was agreed between parties that this would not need to be for more than an hour for the AA to give their view.
17. Ultimately whether such an adjournment was warranted in the circumstances was a matter for the Chair.
18. The Chair's decision: The Chair noted he have been invited by the defence to ask the AA to reconsider whether this matter could be dealt with under part 4 of the regulations (standard track). In the circumstances he had no power to remit this case, but the defence invite that course, the Chair invited the AA to consider and confirm their decision on way or the other.
19. In making that invitation, the Chair noted he was not commenting at this stage before hearing the evidence, whether he considered this gross or standard misconduct or not misconduct. He highlighted that the fact of the invitation should not be taken as an expression of his view on the appropriateness of the track (standard or accelerated).
20. The Chair confirmed on record that if the AA indicated they were not revising their position on track and he went on to conduct this accelerated hearing today, his

decision on the facts, misconduct and outcome would be independent of the AA informed by the evidence before him and not their view of it.

21. Therefore, without making any observations on his assessment of severity or the appropriate track, he invite the AA to reconsider.

### **Findings on the facts alleged and Gross Misconduct**

22. Per Regulation 61(5), at the beginning of the hearing, the Chair gave DI Coogan the opportunity to say whether he accepted the alleged conduct and that it amounted to gross misconduct. He admitted the conduct and that it breached the specified professional standards: duties and responsibilities, orders and instructions, discreditable conduct
23. He denied gross misconduct.
24. The Chair enquired as to whether the officer would be giving evidence, his representative indicated he would not be doing so.
25. The Legal Adviser advised that the standard of proof with regards the factual particulars is the civil standard. The Chair was reminded that the burden of proof rests with the AA.
26. The Legal Advisor reminded the Chair he was a discrete decision maker and was entitled to find in line with the AA's view of the case or to disagree with it and find differently to them. He was not bound by the decisions or views of anyone else.
27. Similarly, it was noted that he had awareness of other cases of a similar nature, but that he should put those decisions from his mind and decide this case on the basis of the evidence before him and the specifics of this case, without regard to or influence by any other similar cases.
28. The Chair was advised that no finding could be made that the alleged conduct amounted to gross misconduct unless the Chair was satisfied on the balance of probabilities that this was the case, or the officer accepted Gross Misconduct, per Regulation 61(16).
29. Advice was further provided in relation to the statutory definition of 'gross misconduct' by reference to Regulation 2(1) of the Police (Conduct) Regulations 2020 (as amended) – *““gross misconduct” means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal”*.

### **Facts**

30. DI Coogan accepted the facts in this case.
31. The evidence demonstrated that five different sexualised images of one adult female in states of undress were saved on DI Coogan's police issued mobile telephones. The female is adult and has been spoken to by the investigator. The female officer told the AA investigator the images had been sent to DI Coogan by her voluntarily during an intimate relationship with DI Coogan.
32. The female is also a serving police officer, of a lower rank than DI Coogan but not reporting to or managed by him. She did not wish to be identified or provide a statement.
33. By his own account DI Coogan used his police mobile phone to record images that were sent to his personal mobile phone. He did this on multiple occasions and on two separate police mobile phones. Having lost the first police issued mobile phone on which he captured the first four images, he received a replacement police issued mobile phone which he used to capture a further image.
34. His explanation for using his police devices to capture images sent to his personal device was, *"I recorded the images on my work phone, intending just to review them and then delete"*. (statement under caution dated 16/11/25) In his statement he expressed an intention to delete the images but could not do so as the device was lost. He denied showing the images to anybody else.
35. DI Coogan did not give evidence, no adverse inference was drawn from this.
36. DI Coogan accepted both the conduct and the specified breaches. He did not accept gross misconduct.

### **Amendment to charge**

37. In reviewing the evidence the chair noted that the date range for the images was May through July 2025. However, the charge specifies May to June 2025.
38. Through the Legal Advisor, the chair informed parties he was minded to amend the stem of the charge from:

*"Following a routine audit of your Metropolitan Police Service (MPS)-issued mobile device, it was identified that **between May and June 2025** you took and retained multiple intimate and/or sexually explicit images of a female on that device."*

To:

*"Following a routine audit of your Metropolitan Police Service (MPS)-issued mobile device, it was identified **during May, June and July 2025** you took and retained multiple intimate and/or sexually explicit images of a female on that device."*

39. Neither party sought to make submissions on record or argue against the amendment. Therefore, following legal advice, the amendment was made.

### **Further material received during deliberation**

40. In reviewing the evidence, the Chair also noted the discrepancy between the dates of the images as laid out at pages 21 and 30 of the AA bundle. There appeared to be no explanation for this inconsistency other than maybe a typographical error. The enquiry was made as to whether there was a forensic report.
41. The Chair was aware of submissions from the AA that the date reflected the date the images were created on the police mobile telephone devices and from the defence that it simply wasn't known what that date represented.
42. During deliberation, the AA provided a report summary on the dates of the images. This was shown to the defence before being shared with the Chair and there was no objection to it being shared.
43. The Chair considered this report did not assist beyond clarifying the dates. It did not address what those dates meant.
44. He was satisfied that there were multiple images captured onto the police devices from DI Coogan's personal device and two separate police devices were so used.

### **Breach of standards**

45. It was accepted by DI Coogan and the Chair was satisfied on the balance of probabilities that the actions of DI Coogan breached the following Standards of Professional Behaviour:
- a. Duties and Responsibilities
  - b. Order and Instructions
  - c. Discreditable Conduct
46. He was using a police device for a non policing and totally inappropriate purpose completely outwith of his duties and responsibilities. His actions put him in breach of the *Misuse of MPS ICT policy, and are discreditable to the police.*

### **Gross Misconduct**

47. The Chair's view was that it is entirely inappropriate and outside of police policies to use a police device in this way. It amounted to the use of two work devices to capture sexualised images for "review".

48. The Chair considered it was a reasonable inference open to him that DI Coogan's purpose in using his police issued telephone to capture and review sexual images of someone with whom he was in a sexual relationship, was sexual gratification.
49. He considered that the wrong doing here was the use of a police mobile telephone to capture and review sexualised naked images, rather than whether or not this was done during a police shift.
50. In considering seriousness and culpability, the chair noted this conduct was deliberate and repeated.
51. In terms of harm, the reputational harm incurred is high. It undermines public confidence in the police for a police officer to be seen to use police issued devices to capture and review sexualise images of a colleague.
52. There was also potential harm to the sender of the images in that even if she consensually sent sexual images of herself DI Coogan's personal device, it was unclear whether she had further agreed to their capture and storage on separate devices to which she did not send them, that being DI Coogan's police issued mobile telephones (rather than his personal device to which she sent the images).
53. A further potential harm is the concomitant risks of mixing of personal sexualised material with legitimate policing material on a device used to communicate with members of the public (including victims of crime) and receive and communicate about police work.
54. In terms of aggravating factors, the Chair did not find any beyond the deliberacy and repetition already accounted for in the assessment of seriousness and culpability.
55. In terms of mitigating, the chair bore in mind the images were consensual and DI Coogan accepted responsibility for capturing them on his police device.
56. It was noted that had these images remained only on his personal device, this may not have amounted to gross misconduct as these are consensual adult sexualised images. However, the use of a police device to capture and review images of a police colleague in sexual poses and a state of undress (sent by her to a different non work device) does amount to gross misconduct.

### **Findings on outcome**

50. A copy of DI Coogan's service record was provided by the Appropriate Authority.
51. Seventeen character statements were provided by DI Coogan.

52. The Chair received the advice of the Legal Adviser to consider the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. The Chair was advised to adopt the ‘three stage process’ as outlined within the College of Policing Guidance, namely, to assess the seriousness of the misconduct; to keep in mind the purpose of imposing sanctions; and to consider the sanction that most appropriately fulfils that purpose for the seriousness of the conduct in question.
53. The Chair was also advised as to the wording of Regulation 62 of the Police Conduct Regulations 2020 (after amendment, this case incepted after the relevant date).
54. The Chair was advised of the dicta of Holroyde J at para 64 in R (on the application of Darren Williams) v Police Appeals Tribunal [2016] EWHC 2708 (Admin):  
*“the purpose of the sanction is not primarily punitive, and often not punitive at all: the purpose is to maintain public confidence in and respect for the police service or the profession concerned. Personal mitigation which may provide a ground for reducing the punishment which would otherwise be imposed for a criminal offence cannot therefore have the same effect in disciplinary proceedings which have a different, and wholly or largely non-punitive, purpose. The second is that in criminal proceedings, a defendant’s personal mitigation may enable him to distinguish himself from others convicted of similar offences, and so to demonstrate that the normal punishment for his offence would be unduly severe in his case. In contrast, a defaulting police officer or professional person will usually be able to adduce evidence of good character and to point to very severe consequences if dismissed or excluded from his or her profession”.*
55. Mr Wakerley submitted this dicta addressed personal mitigation and here he referred the chair to the character material as part the basis for exceptional circumstances not simply mitigation. This position was accepted by the Legal Advisor.

### **The Chair’s Decision on Outcome**

56. Careful consideration was given to all of the documentary materials together with the submissions made by the Appropriate Authority and advice provided by the Legal Adviser.
57. In making his decision on outcome, the Chair adopted the three-stage process, as outlined in the College of Policing’s Guidance on Outcomes.
58. *Seriousness*: The Chair bore in mind that the first stage in determining the appropriate outcome is to assess the seriousness of the conduct. This is assessed by reference to: (i)

the officer's culpability; (ii) the harm caused by the misconduct; (iii) the existence of aggravating factors; (iv) The existence of mitigating factors.

59. *The purpose of the police misconduct regime:* The second stage requires the Chair to keep in mind the purpose of the police misconduct regime. He reminded himself that this has three elements: (i) to maintain public confidence in, and the reputation of the police service; (ii) to uphold high standards and to deter misconduct, and (iii) to protect the public. He further reminded himself that the police misconduct regime is not designed to punish police officers. It is about the reputation and standing of the profession as a whole.
60. *Appropriate Sanction:* The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.
61. In terms of seriousness, the Chair have already outlined his view of the officer's culpability (deliberate and repeated); the harm caused by the misconduct (high reputational harm for police and other potential harm to the sender and/or created by the risk of mixing this material with police material on a device only intended for police work); the existence of aggravating factors (nothing further after deliberacy and repetition); and the existence of mitigating factors (consensual images, and previous good standing).
62. He considered the purpose of the regime: (i) to maintain public confidence in, and the reputation of the police service; (ii) to uphold high standards and to deter misconduct, and (iii) to protect the public. He noted there was no direct harm to the public other than the reputational impact.
63. He considered there was evidence of other potential harm in the image of the female colleague being transferred to another device without her involvement (he did not have evidence as to her consent to this or feelings about it). He also considered there was an inherent risk of mixing highly personal sexualised images with police material on a device only intended for police work, for example of inadvertently sharing the image.
64. He considered maintaining confidence in the police and upholding the police's reputation requires that this misconduct be properly marked, and that a clear deterrent needs to be sent police officers indicating that using their work devices to capture and review sexualised images is not acceptable.
65. He bore in mind the positive character assessments provided and DI Coogan's record of service. However, he did not consider these or anything else made out exceptional circumstances in this case, therefore he had no option but to dismiss DI Coogan without

notice and place him on the barring list. He noted that he considered this would have been the appropriate outcome to meet the seriousness of DI Coogan's misconduct had this case incepted before the imposition fo 62(2).

### **Decision on Publication**

66. There were no further submissions on publication. It is further directed that this decision shall be public.

**Chairperson's signature: Cmdr Andy Brittain**

**Date: 26 May 2026**

### **Right of Appeal**

A police officer has a right of appeal against any disciplinary finding and/or disciplinary outcome imposed at an Accelerated Misconduct Hearing held under the Police (Conduct) Regulations 2020 (as amended). Notification of this right of appeal is provided in accordance with Regulation 63(2) of the Police (Conduct) Regulations 2020 (as amended).