

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

IN THE MATTER OF:

FORMER PC DAVID WAGER

DECISION OF THE PANEL

Commander Andy Brittain (Chair), Patricia Richardson (Independent Panel Member) and Mark Dent (Independent Panel Member).

A: INTRODUCTION

The misconduct hearing for Former PC Wager was held in public on 22, 25 and 26 June 2025 at Palestra House, London and Empress State Building. A notice of hearing was published in accordance with the Police (Conduct) Regulations 2020 ("the 2020 Regulations").

B: THE ALLEGATIONS

The Panel was referred to a Regulation 30 notice in respect of Former PC Wager ("The Officer") containing the allegations and that his conduct amounted to gross misconduct, namely:

Factual Background

- 1. Around 2225 hours on 6th September 2016 PC Wager was on duty and was sent to an incident involving 'Miss A' at her home address.*
- 2. 'Miss A' was taken to Darent Valley Hospital by ambulance as she was suffering from alcohol intoxication and/or mental health difficulties.*
- 3. PC Wager accompanied 'Miss A' in the ambulance to hospital.*
- 4. PC Wager stayed with 'Miss A' at the hospital until she was examined, leaving sometime during the early hours of 7th September 2016.*
- 5. After PC Wager left the hospital he made an entry on the MPS Merlin system at 0425 hours noting that 'Miss A' had numerous mental health problems; had an alcohol problem; had had a panic attack in the ambulance; and was at very high risk of suicide.*

The Allegations

1. *Whilst at the hospital with 'Miss A' on 16th September 2016 PC Wager placed his hand in her bra and touched her breast.*
2. *On a date unknown around 25th or 26th September 2016 PC Wager visited 'Miss A' at her home address whilst on duty and whilst there he kissed and cuddled her.*
3. *On or about 28th September 2016 PC Wager began sending personal messages to 'Miss A' on Facebook.*
4. *Thereafter, PC Wager conducted an emotional and sexual relationship with 'Miss A', having sexual intercourse with her whilst at her home address on approximately three occasions.*
5. *'Miss A' was a vulnerable person that PC Wager had met whilst on duty and behaving in this manner breached the following parts of the Standards of Professional Behaviour:*
 - a. *'Honesty and Integrity', because PC Wager was well aware that sexually touching 'Miss A' at the hospital and/or conducting a personal relationship with a vulnerable person he had met on duty was wrong and inappropriate but he did it anyway;*
 - b. *'Authority, Respect and Courtesy', because PC Wager failed to treat 'Miss A' (who he knew to be vulnerable) with respect when he sexually touched her at the hospital and/or conducted a personal relationship with her;*
 - c. *'Duties and Responsibilities', because PC Wager was on duty when he sexually touched 'Miss A' in hospital and/or when he visited 'Miss A' at her home address around 25th or 26th September 2016; and*
 - d. *'Discreditable Conduct', because sexually touching the vulnerable 'Miss A' in hospital and/or conducting a personal relationship with 'Miss A' was likely to bring discredit upon the police service.*

Severity

PC Wager's breaches of the Standards of Professional Behaviour were so serious that they amount to gross misconduct.

REPRESENTATION

1. The Appropriate Authority ("the AA") was represented by Stephen Morley of Counsel and Joanne Kane of Counsel. Former PC Wager was not present and was not represented at the misconduct hearing.
2. The Panel would like to thank Mr Morley and Ms Kane for their assistance throughout the case, including the provision of an opening note.

3. The Panel were assisted by Maurice Cohen, Legally Qualified Advisor.

PRELIMINARY ISSUES

4. Mr Morley applied for the complainant in this case to be anonymised. She suffers from mental health issues and is vulnerable. She is potentially the victim of a sexual assault. The panel heard evidence from the legal adviser. They deemed it appropriate to grant anonymity to the complainant who shall henceforth be referred to as Ms A.
5. Mr Morley then applied for the panel to proceed to hear and determine the case in the absence of Former PC Wager. The panel again heard advice from the legal adviser. The panel determined that PC Wager had voluntarily absented himself from the hearing. He had not engaged with the misconduct process historically. He had not made an adjournment application. No useful purpose would appear to be served by the panel adjourning the hearing. The panel had regard to Regulation 37 (1) of the Police (Conduct) Regulations 2020 which stipulate that an officer must attend the misconduct proceedings. In the light of all of the above, the panel considered that it could fairly and justly proceed to hear the case in the absence of Former PC Wager.

REGULATION 30 NOTICE

6. On the first morning of the hearing the Regulation 30 Notice, as set out above, was read out.
7. Former PC Wager's response was set out in 2 prepared statements in the hearing bundle which were largely identical. Former PC Wager denies the allegations in their entirety. He denies knowing Ms A. He denies sexually assaulting her. He denies ever having contacted her or having formed a relationship with her whether sexual or otherwise. He denies having had a Facebook account in 2016.

THE PANEL'S APPROACH

8. The Panel reminded itself it was: -
 - a. Required to consider the facts of the case and to make its findings of fact in relation to the allegation;
 - b. Determine whether those findings of fact found constitute a breach of the relevant standard;
 - c. Determine whether the conduct found proven against the F/PC Wager amounted to misconduct or gross misconduct.
9. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
10. The Panel have approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being not

to punish Former PC Wager but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A secondary purpose is to be declaratory of high professional standards and a final purpose is to protect the public and the Complainant and staff by preventing similar misconduct recurring in the future. The Panel has had regard to *Bolton v Law Society* [1994] 1 WLR 512; *Chief Constable of Dorset v PAT, Salter Interested Party* [2011] EWHC 3366 (Admin) and *R (Williams) v PAT* [2016] EWHC 2708 (Admin).

11. The Panel has also had regard to a framework of regulations and guidance, in particular the following:

- a. The Police (Conduct) (Amendment) Regulations 2024 (the “Regulations”) including in particular the Standards of Professional Behaviour at schedule 2;
- b. 2018 Home Office Guidance (the “HOG”), including in particular chapter 1, summarising the Standards;
- c. The definition of misconduct given at Reg 3(1) of the Regulations: “a breach of the Standards of Professional Behaviour”;
- d. The definition of gross misconduct given at reg 3(1) of the Regulations: “a breach of the Standards of Professional Behaviour so serious that dismissal would be justified”.

12. The Panel read and carefully considered the evidence before them. They considered the totality of the evidence and submissions made. They do not propose to deal with each and every aspect of the evidence or submissions made, but they state their main conclusions.

EVIDENCE

13. The Panel had been provided with the following documents:

- a. Regulation 30 Bundle comprising of 214 pages.
- b. The AA’s opening note.
- c. Ms A’s selected medical records.
- d. Interview records for Ms A and Former PC Wager.

G: THE BACKGROUND

14. On 6 September 2016 at around 10:24 PM, the London Ambulance Service (LAS) requested MPS attendance at the home address of Ms A. It was reported that Ms A was being obstructive as the LAS crew were attempting to treat Ms A’s unconscious 20-year-old daughter at the same address. Ms A’s daughter had taken an overdose of prescription drugs and she was subsequently taken to Queen Elizabeth Hospital in Woolwich as her condition was considered to be life-threatening.

15. Two MPS units were assigned, one of them comprising Former PC Wager and PC Swainston who arrived at Ms A’s home address at 10:36 PM. The LAS determined that Ms A also needed treatment and took her to Darent Valley

Hospital A&E as they deemed that she was intoxicated and suffering from mental health disorders.

16. Former PC Wager completed a Merlin report in respect of Ms A, in which he recorded her as having numerous mental health problems; had an alcohol problem; had a panic attack in the ambulance; and was at very high risk of suicide. He also described her as being very clingy to him and that she would only attend hospital if he accompanied her.
17. Both MPS and LAS records indicate that Ms A was taken to the named hospital by ambulance accompanied by Former PC Wager. Ms A stated that she and Former PC Wager joked in the ambulance as she was, "freaking out" and he asked her questions including what her fantasy was to which she replied, 'getting engaged' to which Former PC Wager is reported to have retorted in jest that, Ms A "was engaged to him now".
18. During Ms A's ABE interview, she stated that whilst at hospital, Former PC Wager took her out for a smoke and fetched her 2 cups of water. She stated that she was wearing jeans and a vest, strappy top. She claimed that whilst sat at her bedside holding her hand, Former PC Wager put his hand down into her bra. As soon as he did this, he took his hand out after approximately 2 seconds. She stated that although she suffered from psychotic episodes, she is certain that this happened. She stated that Former PC Wager asked her if she had had a "boob job"
19. Ms A went on to state that another police officer who attended to collect Former PC Wager from hospital said to him that he should not be holding Ms A's hand. He reportedly replied that she needed him to hold her hand as she was feeling very low.
20. Medical records indicate that when examined, it was elicited that Ms A had drunk one bottle of wine and two beers up to 3 PM. She had further taken illicit drugs and had overdosed on medication. The records note that she was tearful and distressed and demonstrated suicidal ideation. She was prescribed appropriate medication to help her condition.
21. As referred to above, Former PC Wager completed a Merlin report in respect of Ms A at 4:25 AM. This included details of Ms A's mental health conditions including anxiety, adjustment disorder and depression. The report recorded that Ms A had a severe panic attack in the ambulance and was calmed down by the police and LAS. It was recorded that Ms A stated that if she was left alone at night that she would hurt herself. She was reported as having a very high risk of suicide and had attempted suicide on 3 previous occasions including once by stabbing herself in the stomach. The report recorded that officers dealing with Ms A needed to be open and honest.
22. It is estimated that Former PC Wager remained with Ms A at the hospital from approximately 12:10 AM until 12:26 AM. Following assessment by the crisis team, Ms A was discharged from hospital at around 2 AM and took a taxi to her mother's address.

23. Records demonstrate that following her discharge from hospital Ms A was admitted to the Chapel Hill Project for respite on 9 September 2016 until 16 September 2016. Ms A indicated that shortly after that date, she started to receive phone calls from a withheld number which she chose not to answer. No call data records were available for the appropriate period when investigated.
24. Ms A stated shortly after the above calls, that Former PC Wager turned up at her home address one night at around 11 PM under the guise of performing a welfare check. She stated that he was in police uniform and advised her that he had been trying to call her to check on how she was. She stated that her teenage son saw Former PC Wager at her home. However, when requested by Police he declined to cooperate with the investigation.
25. Duty records show that Former PC Wager was working nights on 25 and 26 September 2016 indicating that these are the most likely dates that this visit occurred. There are no case log entries associated with this visit to indicate that it was conducted for a policing purpose.
26. Ms A reports that on another occasion, Former PC Wager visited her home address whilst she was in bed. She stated that she made him a coffee and that he asked for a cuddle; they kissed and he then left. Following this, she stated that on another occasion Former PC Wager attended her home address. They became intimate on the sofa. He manually caressed her and she had an orgasm. They subsequently went up to the bedroom where it is implied that they had sex. Ms A indicated that in total they had sex on 3 separate occasions, always at her home address. She could not recall the dates.
27. Ms A stated that her mother also met Former PC Wager at her home and recognised him from when he had attended her home address on the day of the hospital attendance. However, when the IOPC, who undertook this investigation, approached Ms A's mother for an account she confirmed that she recalled a man attending Ms A's home on the day in question and was at the door when she was leaving. She could not describe him at all or say whether he was in uniform or not.
28. In March 2022 Ms A was detained under the Mental Health Act for an unrelated matter. Whilst waiting to be seen by medical professionals, she disclosed to the 4 police officers with her that she had been sexually assaulted in hospital by Former PC Wager in 2016. She further disclosed that she had subsequently entered into a sexual relationship with him for one year. She disclosed to the officers that she and Former PC Wager only communicated using Facebook messenger and that Former PC Wager showed her a Facebook profile and asked if it was her, before adding the account. Ms A informed the officers present that She did not know how to access historic messages and so she unlocked her phone and allowed one of the officers present, PC Swainston, to search for and locate an account in the name of, "Dave Wager". He read the message thread and advised Ms A not to delete the messages. Coincidentally, PC Swainston had been assigned with Former PC Wager in 2016 to attend her home address in response to the LAS call, however has no recollection of the incident.

29. Following the above, the 4 officers returned to Bexleyheath Police Station and appraised the duty inspector of Ms A's comment and the evidence that they had identified.
30. On 4 April 2022, Former PC Wager was arrested and gave a "no comment" interview. He provided a prepared statement denying knowing Ms A and denying the criminal allegations put to him. His personal mobile phone and subsequently his laptop and iPad were seized and sent for forensic analysis. Former PC Wager declined to provide the PIN details for his phone.
31. One year later, on 4 April 2023, Former PC Wager was re-interviewed and opted to remain silent throughout. He submitted a further prepared statement in which he declined having a recollection of meeting Ms A on duty. He denied sexually assaulting Ms A. He denied contacting or having a sexual relationship with Ms A. He denied sending Ms A Facebook messages or having a Facebook account in 2016.
32. Former PC Wager resigned from the MPS in March 2025. He made it clear that he wished to have no involvement with the misconduct process. As indicated above, he did not serve a regulation 31 response.

EVIDENCE

33. Amongst significant messages passing between Ms A and Former PC Wager on Facebook messenger are the following:
- A friend request from Former PC Wager to Ms A making reference to the two of them being "engaged" (as detailed by Ms A in her account of the ambulance journey to hospital when a joking reference was made to this by Former PC Wager) (page 189).
 - A message referring to Former PC Wager helping Ms A get a job at a company where his [REDACTED] worked, evidence indicates that Former PC Wager sent Ms A 2 phone numbers and asked her to call them in case she wanted a job there. Enquiries indicated that the numbers were associated with a company. Ms A indicated that she subsequently worked there for approximately one year alongside Former PC Wager's [REDACTED]. The company's records indicate that the officer's [REDACTED] worked there from 2008 to 2022 and that Ms A also worked there as stated from July 2018 for around one year (pages 190-191).
 - Messages referring to Former PC Wager's attendance at Ms A's home on several occasions after he dealt with her on duty on 6 September 2016 (pages 189; 195; 199-200 and 213).
 - Ms A suggesting that she was in love with Former PC Wager (page 211).
 - Ms A's comments which appear to be referring to the size of Former PC Wager's penis (210 and 212).
 - Ms A suggesting that she had sex with Former PC Wager (207 and 212).

- Both Ms A and Former PC Wager's conversation about their mental health (Former PC Wager attended counselling in 2014 and 2015 and references to this work covered from the appointments section of his phone (page 174).
- A topless photo of Ms A being sent to Former PC Wager from Ms A (page 213).
- Former PC Wager appears to discuss with Ms A, a back story of how they had met either in a bar or at Tesco's (page 194).
- In addition to the above, the message content appears to correspond with Former PC Wager's shift pattern.

Further evidence, namely his Calendar entries suggested that Former PC Wager's dog was named Tilly (page 170/171). Ms A, in her ABE interview also refers to Tilly being the name of the dog owned by the officer whom she disclosed she had been involved in an intimate relationship (pg.98).

34. It is reported that when Former PC Wager's telephone was unlocked and searched, numerous searches identified on the phone on the safari browser related to the questions about deleting photos, images and messages on Facebook and whether such deletions are permanent or not (page 179-188).

Panel analysis

Ms A

35. The panel considered that Ms A in her ABE video interview provided detailed, credible and consistent evidence which, as will be detailed and noted below is corroborated by external written evidence. The panel found that she had a vivid recollection of most details of an event within the relationship. The panel found the manner in which she gave her evidence in the ABE to be compelling and demonstrative of someone who had been in a genuine intimate relationship with someone, which had ended contrary to their wishes and been hurt by the same.
36. The panel find it highly significant that Ms A did not report Former PC Wager to the MPS or otherwise of her own volition following the breakdown of their relationship. She appears to have made reference to Former PC Wager sexually assaulting her and of them having a sexual relationship almost inadvertently, in the presence of 4 police officers when she was sectioned on a later occasion approximately 4 years later. The panel find the organic way in which this evidence and claim unfolded to be highly supportive of Ms A's credibility.
37. In addition to the above, Ms A demonstrated no knowledge of the fact that her messages with Former PC Wager were still present on her account or that she was able to access or download them. This knowledge was held by one of the officers who was present when she was sectioned, being PC Swainston, who subsequently accessed the messages. The panel finds the method in which the messages were searched for, accessed and downloaded is further supportive of Ms A's credibility.
38. In addition, aspects of Ms A's evidence concerning her relationship with Former PC Wager; the fact that they had sex; details provided concerning when he was on

and off shift which tie in with his duty roster; the fact that Former PC Wager is evidenced attempting to assist Ms A to find a job in the company where his [REDACTED] works; followed by her obtaining employment in that company for one year; the telephone numbers provided being of a local company and of that company confirming that Ms A was employed by them for one year and that Former PC Wager's [REDACTED] was employed by them for a far longer period are all considered by the panel to be indicative of the fact that the Facebook messages are reliable; were recorded contemporaneously and have not been manufactured by Ms A in an attempt to implicate Former PC Wager. The Panel are of the view that this evidence is genuine and indicative of the fact that for a not extensive period of time Former PC Wager and Ms A were in an intimate sexual relationship with each other and shared personal information amongst themselves. This is considered to be further supportive of Ms A's credibility.

39. In addition to the above, the panel considered Ms A's evidence in which she describes being upset following the termination of her relationship with Former PC Wager and that she subsequently suffered a deterioration in her mental health which the panel found to be further supportive of her credibility. In her ABE interview she states that "it did impact on me. mentally, someone with EUPD struggles with attachment issues, so if someone attaches to you and then draws away, and then i think it weren't long after that, i was put in, erm, [REDACTED] unit" (pp.101).
40. The panel notes that Ms A indicated that her mother saw Former PC Wager at her house and recognised him from the time that he attended when Ms A was taken to hospital and that this account is contradicted by the evidence that Ms A's mother gave to the IOPC indicating that she did not recognise him and did not know if he was in uniform or not. However, taking into account the time that has elapsed since the incident, the panel find this to be a minor discrepancy in the evidence before them and attach little weight to it. It does not detract from the core of Ms A's account which is detailed, credible and consistent.
41. Furthermore, the panel does not find Ms A's absence from the proceedings to be a significant factor in the light of the fact that she gave a detailed ABE interview in which her demeanour and credibility can be tested.
42. Finally, whilst the panel notes that Ms A is extremely vulnerable suffering from significant mental health issues as well as having alcohol and drug issues, she nonetheless has provided an extremely detailed and coherent account which is corroborated by other evidence before the panel and the panel do not find that her issues detract from her credibility in the circumstances

Former PC Wager

43. The panel noted that it had extremely limited evidence from Former PC Wager.
44. The only evidence before the panel, were two brief prepared statements in which Former PC Wager denies any recollection of Ms A; denies having a relationship with her; denies any allegations of sexual impropriety and denies having sent the

claimed messages to her on Facebook, claiming that he did not have a Facebook account in 2016.

45. The panel finds that Former PC Wager's account is contradicted by the Facebook entries from Ms A's account before them. The panel find that the entries contained within that account are entirely consistent with the account given by Ms A. The panel has noted that Ms A did not seek to put this evidence before the MPS and that its existence was only discovered after searches by an independent police officer.
46. In addition to the above, the panel finds that contained within those messages is personal information pertaining to Former PC Wager, that could only be known to Ms A if she had had a close relationship with him.
47. Whilst no Facebook messages could be located on Former PC Wager's devices, the panel notes that he obstructed the investigation by failing to provide his PIN numbers to the same when asked.
48. In addition to the above, the panel notes that multiple entries were discovered in the search history on Former PC Wager's devices on the Safari browser enquiring about deleting messages and the account and in respect of how long messages remained for and the manner in which they would or could be removed.
49. In the light of the above, the panel do not find Former PC Wager to be an honest or credible witness. They find that he did pursue and enter into a sexual relationship with Ms A. He sent to her and received the Facebook messenger messages which were retrieved from Ms A's account. His brief repeated rebuttal of knowing or recollecting Ms A; entering into a relationship with her and exchanging Facebook messenger messages with her is disbelieved.
50. The panel significantly prefer the evidence of Ms A, which is corroborated by the Facebook messenger extracted evidence before them and is further corroborated by evidence such as the fact that with the assistance of Former PC Wager, Ms A obtained employment in the company where Former PC Wager's [REDACTED] worked and that Ms A knew the name of his dog and that the content of the messages between them corresponded with Former PC Wager's shift patterns and work schedule.

Findings of Fact

Allegation 1

Whilst at the hospital with 'Miss A' on 16th September 2016 PC Wager placed his hand in her bra and touched her breast.

51. The panel note that Ms A concedes that she was "pretty out of it" when she was admitted to hospital on this occasion and that she would have suffered emotional upheaval by the overdose taken by her daughter at the same time. Nonetheless Ms A has given a detailed, credible and consistent account of this event. She has

not sought to enhance it stating that it lasted for just seconds. She appears shocked at Former PC Wager's actions at the time. The panel notes that despite her reference to being 'out of it' she accurately recollects the conversation on the way to the hospital in which there is a discussion between them of 'being engaged' which is subsequently referred to by Former PC in the Facebook messages between them.

52. The Panel noted that this incident did not put Ms A off having a relationship with Former PC Wager and that she did not voluntarily report the same at the time or for many years following the breakup of their relationship, however the panel find that Ms A had no reason or motivation to manufacture this allegation.

53. Against this, the panel merely has a blanket denial by Former PC Wager. On the balance of probabilities, the panel find that this assault was likely to have occurred.

54. The panel therefore find this allegation proved.

Allegation 2

On a date unknown around 25th or 26th September 2016 PC Wager visited 'Miss A' at her home address whilst on duty and whilst there he kissed and cuddled her.

55. Ms A indicated that Former PC Wager attended her house on this occasion on the auspices of conducting a welfare check. She provides detailed evidence concerning what occurred on this occasion. She states that Former PC Wager was in uniform with the implication that he was on duty at the time and this is corroborated by Former PC Wager's duty rota. Against this, the panel merely have a blanket denial from Former PC Wager.

56. In the light of the factors noted above, the panel prefer the evidence of Ms A to that of Former PC Wager in respect of these events and find this allegation proved on the balance of probabilities.

Allegation 3

On or about 28th September 2016 PC Wager began sending personal messages to 'Miss A' on Facebook.

57. The panel note that the "friend request" was initiated by Former PC Wager. The panel notes that Ms A did not know who it was from and was reluctant to accept it until Former PC Wager made reference to comments that Ms A attributes to Former PC Wager in the back of the ambulance in which he joked that they were now engaged. The panel have noted that the subsequent Facebook messages demonstrate an in-depth knowledge of aspects of Former PC Wager's life including reference to his dog, his dog's name, where his [REDACTED] worked and shift pattern which are corroborated by evidence before the panel.

58. Again against these factors, Former PC Wager makes a blanket denial including to the extent of not having a Facebook account in 2016. The panel finds this to be untrue in the light of the entries emanating from Former PC Wager's Facebook messenger account to Ms A containing the detailed information as referred to above.

59. In the light of these factors, the panel find this allegation proved on the balance of probabilities.

Allegation 4

Thereafter, PC Wager conducted an emotional and sexual relationship with 'Miss A', having sexual intercourse with her whilst at her home address on approximately three occasions.

60. Ms A has given a detailed, credible and cohesive account in respect of her emotional and sexual relationship with Former PC Wager. Furthermore, there are entries in the Facebook messages which corroborate that account including a reference to the size of his penis; references to the fact that they had had sex ("shagged" pg. 212); references to the fact that Ms A was in love with Former PC Wager and the fact that Ms A sent a topless photograph of herself to Former PC Wager. The panel finds all of these factors to be highly indicative of the fact that Ms A and Former PC Wager conducted an emotional and sexual relationship with each other.

61. Against the above, again, Former PC Wager purely puts forward a blanket denial of the fact that he had any relationship whatsoever with Ms A.

62. The panel prefer the detailed evidence of Ms A which is corroborated by the Facebook messenger entries to that of Former PC Wager in this regard and therefore find this allegation proved on the balance of probabilities.

Breaches of the Standards of Professional Behaviour.

63. The panel go on to consider whether Former PC Wager's conduct found proved amounts to breaches of the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020.

64. The panel find that Ms A was a vulnerable person that PC Wager had met whilst on duty and that he behaved in the manner found proved, including sexually assaulting her and engaging in a sexual and emotional relationship with her when there was a power imbalance between them resulting in the following parts of the Standards of Professional Behaviour to be breached:

Honesty and Integrity, because PC Wager was well aware that sexually touching 'Miss A' at the hospital and/or conducting a personal relationship with a vulnerable person he had met on duty was wrong and inappropriate but he did it anyway;

- a. **Authority, Respect and Courtesy**, because PC Wager failed to treat 'Miss A' (who he knew to be vulnerable) with respect when he sexually touched her at the hospital and/or conducted a personal relationship with her;
- b. **Duties and Responsibilities**, because PC Wager was on duty when he sexually touched 'Miss A' in hospital and/or when he visited 'Miss A' at her home address around 25th or 26th September 2016; and
- c. **Discreditable Conduct**, because sexually touching the vulnerable 'Miss A' in hospital and/or conducting a personal relationship with 'Miss A' was likely to bring discredit upon the police service.

Severity

Misconduct/Gross Misconduct

59. The Panel next considered whether the allegations found proved amount to misconduct or gross misconduct.
60. In making this assessment, the Panel had regard to the College of Policing Guidance on outcomes in police misconduct proceedings (2023). Thus, the Panel assessed the seriousness of the proven conduct by analysing Former PC Wager's culpability for that conduct and the harm caused by that conduct as well as assessing aggravating and mitigating circumstances.
61. In respect of Culpability, the panel finds that Former PC Wager's actions in respect of sexually assaulting Ms A and engaging in a sexual and emotional relationship with her despite being aware of her vulnerability was planned and premeditated. Former PC Wager's colleagues and the general public would consider his conduct to be deplorable. He consistently failed to do the right thing. He was taking advantage of a very vulnerable person for his own ends and gain. At the conclusion of their relationship, Ms A ended up in crisis again. She still demonstrated emotional harm when interviewed 6 years later. Former PC Wager knew that his actions were wrong. In the light of all of these factors, the panel considered that Former PC Wager's culpability in this case is high.
62. In respect of harm, as indicated above, emotional and possible psychological harm was caused to Ms A. She indicated that she was upset when she realised that she may have been exploited by Former PC Wager. She suffered a subsequent crisis following the termination of their relationship. The panel goes on to consider reputational harm. The actions of police officers engaging with vulnerable members of the public when motivated by sexual self-interest is a matter very much at the forefront of public interest. The public would be extremely shocked to learn that a serving police officer sexually assaulted a vulnerable woman who had been taken to hospital in crisis and subsequently engaging in a sexual and emotional relationship with her would be regarded as appalling conduct. The public would no doubt be further disappointed to learn that Former PC Wager provided no apology, or demonstrated remediation or regret.

In the light of these factors, the panel find that the harm caused in this case was high in nature.

63. In considering aggravating features, the panel notes that Former PC Wager's actions found proved breached multiple professional standards of conduct and behaviour. The panel considered that Former PC Wager demonstrated no insight into his conduct. He would have realised that his conduct was wrong from the outset. Former PC Wager failed to comply with orders and instructions on multiple occasions. He significantly deviated from instructions. Former PC Wager abused the trust that a vulnerable person, Ms A placed in him. The panel notes what she says of Former PC Wager in interview that, "I haven't done anything wrong; my conscience is clear". The panel find that there are numerous aggravating aspects to the allegations found proved in this case.
64. In respect of mitigating circumstances, the panel find that the only mitigating factor in this case is that Former PC Wager had no previous misconduct proceedings brought against him.
65. Taking all of the above into account, the panel concluded that the allegations found proved amount to gross misconduct in that they are of such seriousness that if Former PC Wager was still a serving officer that they could result in his dismissal.
66. The Panel assessed the seriousness of the allegations found proved. The panel had regard to its previous assessment in respect of culpability, harm, aggravating and mitigating features above and adopts the same in their entirety.
67. In addition to the above, the panel further noted in respect of culpability that misconduct involving sexual impropriety is always serious. More serious action is likely to be appropriate with the officer who demonstrated predatory behaviour motivated by a desire to establish a sexual or improper emotional relationship with a member of the public. The abuse of position was for a sexual purpose. The panel noted in the guidance that officers must not under any circumstances use a professional position to initiate or pursue a sexual or improper emotional relationship with a vulnerable person. In the light of the factors identified above and highlighting these factors in particular, the panel reiterates that culpability in this case is high.
68. In respect of harm, the panel notes that direct harm was caused to Ms A in this case. Public confidence in the police service would be significantly adversely affected by noting that a serving police officer demonstrated predatory sexual behaviour towards a vulnerable female he had dealt with whilst on duty. Noting the factors identified above and herein the panel find harm in this case to be high.
69. In respect of aggravating features, the panel note the scale and depth of local and national concern about this type of behaviour by police officers. The panel

noted that the conduct in question was perpetrated over a relatively significant period of time.

70. The panel found that there was no mitigation in this case other than the fact that FPC Ward has had no previous misconduct proceedings.
71. The panel noted in relation to the question of sanction that it is not meant to be punitive and that the least restrictive sanction should be imposed. The panel had regard to the College of Policing Guidance on outcomes in police misconduct proceedings in addressing the issue of sanction.
72. The panel considers the gross misconduct found proved to be extremely serious and undoubtedly undermines the reputation of the police force.
73. The panel notes that its powers in relation to sanction are limited by virtue of the fact that FPC Ward resigned from his position. Nonetheless, it has regard to Schedule 8 of the Policing and Crime Act 2017 which states: –

Duty to report dismissals etc. to College of Policing

74. (1) The relevant authority must report a person to the College of Policing where—
75. (b) the person is a former member of a police force or a former special constable and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a member of a police force or a special constable;
76. The panel had appropriate regard to the aggravating features which it has noted above together with the limited mitigation in this case.
77. In the light of the severity of the gross misconduct found the panel considered that had FPC Wager still been a serving member of the police service, the appropriate and proportionate sanction in this case would have been dismissal without notice had he still been serving. Any lesser sanction, including a final written warning, would have been totally inappropriate and disproportionate in the light of the seriousness of the allegations found proved in respect of FPC Wager and harm caused to the reputation of the Metropolitan Police Service as a whole and the public confidence in it. The Appropriate Authority is therefore directed to inform the College of Policing of this decision within 5 days of today's date.

Commander Andy Brittain