

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

BETWEEN

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS

APPROPRIATE AUTHORITY

AND

PC TAMIN Wafa

OFFICER CONCERNED

1. This hearing was scheduled to be heard on the 21- 24 April 2026 at Palestra House, London. The Panel consisted of Anthony Green (Chair) Ms Rachel O’Connell and Ms Alison McKane, Independent Panel Members. Ms Dale Simon was the Legally Qualified Advisor to the Panel.
2. The Appropriate Authority (the AA) was represented by Mr Kevin Saunders and PC Wafa was represented by Mr Jonas Milner.
3. In accordance with pre-hearing directions the complainant was referred to as Female A and her sister as Female B.

THE ALLEGATIONS

4. The allegations facing PC Wafa are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

Allegation 1 – Discreditable Conduct

On an occasion other than and prior to that alleged in Allegation 2, as a serving member of the Metropolitan Police Service, PC Tamin Wafa unlawfully assaulted his then wife, Female A [REDACTED] in that he:

- i. Intentionally strangled Female A without her consent,
 - a. and thereby affected Female A's ability to breathe.
- ii. Struck Female A with an open hand, and
 - a. thereby caused her nose to bleed.
 - b. thereby caused a cut to the inside of her lip.
- iii. Kicked Female A upon her thigh

By reason of the matters above, either individually or collectively, PC Wafa's behaviour did not meet the standards required by the *Standards of Professional Behaviour* set out in *Schedule 2* to the *Police (Conduct) Regulations 2020* as to discreditable conduct, in that he behaved in a manner which discredited the police service and/or undermined public confidence in the police service, whether on or off duty.

PC Wafa's behaviour amounts to gross misconduct.

Allegation 2 – Discreditable Conduct

In May 2023, as a serving member of the Metropolitan Police Service, PC Tamin Wafa unlawfully assaulted his then wife, Female A at (REDACTED) in that he:

- i. struck Female A on her arms with punches,
 - a. and thereby caused injury in the form of bruising to Female A.
- ii. struck Female A on her back.
- iii. struck Female A on her chest.
- iv. struck Female A on her thigh.

By reason of the matters above, either individually or collectively, PC Wafa's behaviour did not meet the standards required by the *Standards of Professional Behaviour* set out in *Schedule 2* to the *Police (Conduct) Regulations 2020* as to discreditable conduct, in that he behaved in a manner which discredited the police service and/or undermined

public confidence in the police service, whether on or off duty.

PC Wafa's behaviour amounts to gross misconduct.

APPLICATION TO ADJOURN

5. On the morning of the 21 April 2026 Counsel for the AA made an application for the hearing to be adjourned for 1 day until 22 April 2026 to try to secure the attendance of the complainant Female A who has indicated that she is no longer willing to attend the hearing as a witness.
6. The panel were supplied with a schedule detailing the interactions between the Victim Support Unit (VSU) and Female A between August 2025 and April 2026; a statement from PC Sev Coban a VSU support officer and a copy of an email dated 21 April 2026 sent from PC Coban to the AA stating that she had arranged to meet with the complainant today (21 April 2026).
7. The schedule of interactions indicated that Female A first indicated that she was having doubts and was anxious about attending the hearing in January 2026. Her reluctance to support the proceedings was repeated in March 2026 but following a meeting with PC Coban on 9 April 2026 Female A agreed to support the proceedings; however, approximately 5 minutes after their meeting Female A contacted PC Coban and stated that she did not wish to attend the hearing. The panel were also informed that on 17 April 2026 the AA had applied to the High Court for a witness summons to secure the attendance of Female A at this hearing; however, the witness summons had not been issued to date.
8. Counsel for the AA submitted that the allegations facing PC Wafa were serious and as such it was fair and in the interests of justice for the AA to be granted a short adjournment to meet with Female A in a last attempt to secure her voluntary attendance at the hearing. It was also submitted that if the AA were unsuccessful in securing Female A's attendance the AA would seek to rely on her evidence in her absence and proceed with the hearing on 22 April.

9. The adjournment application was opposed by Counsel for PC Wafa. It was submitted that the AA had been made aware of the Female A's desire to withdraw as a witness since January 2026, prior to the pre-hearing for this case in March 2026. He reminded the panel of the provisions of regulation 41(4) and submitted that there were no exceptional reasons in this case that could justify the adjournment of today's hearing to secure the attendance of the complainant. Counsel for PC Wafa also submitted that the delay in the proceedings was unfair to PC Wafa as it made the likelihood of the case not concluding by Friday more likely and PC Wafa's wellbeing was being adversely affected by the delay in concluding this case. It was also submitted that any application to rely on the evidence of Female A in her absence would be opposed.
10. The Panel sought legal advice from the LQA who reminded the Panel of the purpose of police misconduct hearings and the responsibility of the Panel to ensure that hearings are run efficiently, fairly and transparently. The panel were also advised that there is no definition of the meaning of "exceptional circumstances" for the purpose of regulation 41(4) it was therefore, for the panel to determine whether in their opinion, as a professional panel, the reason for the adjournment in this case was exceptional.
11. In considering the adjournment application the panel had regard to the documentary information supplied, the submissions made by both counsel and the legal advice provided by the LQA. The panel noted that it was disappointing that steps to obtain a witness summons had not been instigated earlier, and the impact of further delay on PC Wafa. However, the Panel had regard to the length of the adjournment that was being sought, the seriousness of the allegations facing PC Wafa and the need to maintain standards and confidence in the police service by ensuring that cases of alleged violence against women and girls are dealt with transparently and effectively. In light of this the panel determined that the circumstances were exceptional and that a short adjournment was appropriate in the interests of justice and fairness. Therefore, the panel decided to grant the application and adjourned the hearing to 9am on 22 April 2026.

12. The Panel made the following directions:

- i. That the panel and Counsel for PC Wafa should be notified whether Female A had agreed to attend the hearing voluntarily on 22 April 2026 or whether in the alternative the AA were seeking to rely on her evidence in her absence by 5pm today (21 April 2026).
- ii. If the AA planned to make an application to rely on Female A's evidence in her absence, Counsel for the AA should serve defence counsel and the panel with a written skeleton argument detailing the basis on which the application will be made.

APPLICATION TO RELY ON THE EVIDENCE OF FEMALE A IN HER ABSENCE.

13. On the afternoon of the 21 April 2026, the AA served a withdrawal statement from Female A on the panel confirming that she would not be attending as a witness at this misconduct hearing. On the morning of the 22 April 2026 counsel for the AA made an application to permit the AA to rely on Female A's video recorded interviews (VRIs) and transcripts on three core grounds. First, there is a good and cogent reason for Female A's absence. Second, Female A's evidence is not "sole or decisive" against PC Wafar. Third, the AA has exhausted all reasonable steps to secure her attendance.
14. Counsel for the AA reminded the panel of the principles outlined in the case of *Thornycroft v NMC [2104] EWHC 1565(Admin)*. It was submitted that the reason for Female A's unwillingness to attend the hearing was encapsulated in her statement dated 21 April 2026 which states:
"One of the main reasons for my decision is fear. Although no one has directly threatened me or my family, whether in the UK or abroad, I remain extremely fearful. In my country of origin there is lawlessness, and very serious harm, including murder, can be committed for a very small amount of money. These thoughts have increasingly affected my (REDACTED). While these are my fears and no direct threats have been made, I know the individual involved and I am genuinely scared of potential repercussions."

15. It was further submitted that the non-attendance of Female A due to fear is analogous to the admission of hearsay evidence in criminal proceedings through the statutory gateway under the Criminal Justice Act 2003 s116. Therefore, there is a good and cogent reason for her non-attendance.
16. It was also submitted that Female A's evidence was not sole or decisive in respect of the allegations facing PC Wafa, because Female B provides evidence of seeing bruises on Female A's neck which supports the allegation of strangulation (allegation 1) and recalls observing bruising to Female A's arms on video call in temporal proximity to alleged assault which forms the basis of allegation 2. It was also submitted that there was photographic evidence of Female A's injuries and that PC Wafa had made a partial admission to the allegations by acknowledging that a physical altercation took place in May 2023.
17. Finally, it was submitted that the AA had discharged its duty to take all reasonable steps to secure the attendance of Female A. because she had been allocated a dedicated VSU officer who had maintained consistent engagement and had met with Female A on two occasions to ameliorate her concerns about attending the hearing. The AA had also applied for a witness summons from the High Court on 17 April 2026.
18. The application was opposed by defence counsel. Counsel made the following representations in respect of the Thorneycroft principles. It was submitted that Female A's evidence was sole and decisive evidence of the allegations facing PC Wafa because Female B's evidence is hearsay in that it is only evidence of what Female A told her and not evidence of how any injuries were sustained; the provenance of the photographic evidence cannot be established without clarification from Female A and PC Wafa has never made any admissions in respect of the specific allegations that he faces. It was further submitted that since the evidence is the sole and decisive evidence in the case against PC Wafa, a threshold of heightened scrutiny must be applied to the application being made.
19. It was submitted that the entirety of Female A's evidence is challenged by PC Wafa and that Female A had reason to fabricate the allegations because the allegations arose against a background of a failing marriage when she had no alternative

accommodation. It was also submitted that Female A had lied about not being given money and not being allowed to study or return to Afghanistan. The allegations are very serious and if proved would almost certainly result in PC Wafa being dismissed without notice.

20. It was also submitted that there is no good reason for the non-attendance of Female A. Her reason for non-attendance was unclear. She was a willing and available witness on the first occasion that the hearing was listed, it was submitted that the delay in bringing the proceedings was the more likely cause of Female A's increased [REDACTED]. Further, it was submitted that the AA had not taken reasonable steps to secure Female A's attendance at the hearing as they were aware of her reluctance to attend as a witness since January 2026 but had not sought to obtain a witness summons until one business day before the hearing was scheduled to start; and no notice was given to the defence prior to the hearing of the AA's intention to rely on her evidence if she did not attend the hearing.
21. In response to counsel for the AA's submission that fear is the primary reason for Female A's non-attendance it was submitted that fear is not mentioned as a reason in Female A's signed letter to the VSU dated April 21. Alternatively, even if fear was the reason for Female A's non-attendance, the submissions advanced by the AA mirror those that were rejected by the European Court of Human Rights in the case of Al-Khawaja and Tahery v UK [2011] and does not engage with the advice given in the judgment.

Panel Approach

22. In determining the application to allow the evidence of Female A to be admitted into evidence in her absence the panel had regard to all of the evidence served on the panel, the written and oral submissions from both counsel and the legal advice provided by the LQA. The panel bore in mind that the hearsay provisions that apply to criminal cases do not apply to police misconduct hearings. The admissibility of evidence is determined by its relevance and fairness. Evidence is relevant if it is logically probative or disprobative of some matter which requires proof. Relevant evidence should be ruled inadmissible if it would be unfair to admit it because its

probative value is clearly outweighed by its prejudicial effect.

23. The Panel first considered whether the evidence of Female A was relevant and concluded that it was clearly relevant as it provided evidence in respect of the allegations faced by PC Wafa. In considering whether it would be fair to admit Female A's evidence in her absence the panel considered each of the principles established by the case of *Thorneycroft* in turn.

24. The panel also bore in mind that in cases where evidence was sole or decisive the decision whether or not to admit it requires the panel to make a careful assessment, weighing up the competing factors. The assessment should involve a consideration of the issues in the case, the other evidence to be called and the potential consequences of admitting the evidence and the panel must be satisfied having undertaken this assessment that, either the evidence is demonstrably reliable or that there is some means of testing its reliability.

Whether the evidence of Female A was sole or decisive evidence in support of the charges

25. The panel found that the photographs of injuries to Female A's arms and the evidence of Female B in respect of seeing injuries provided limited evidence that was capable of supporting the allegations; therefore, Female A's evidence was not the sole evidence relied upon to support the charges but it was the sole direct evidence to support the specific allegations. However, Female A's evidence was clearly decisive, because she was the only witness that gave direct evidence in respect of the specific allegations facing PC Wafa, and her evidence was also required to establish the provenance of the photographs of the injuries that had allegedly been caused by PC Wafa.

The nature and extent of the challenge to the contents of the statements.

26. The panel found that the entirety of Female A's allegations of assault by PC Wafa are disputed. The panel noted that during interview PC Wafa referred to an occasion when he took hold of Female A's arms in self-defense, the panel determined that the incident described by PC Wafa does not amount to an

admission of any the specific physical assaults detailed in the allegations.

27. In light of the decisiveness of Female A's evidence and the extent of the challenge to her evidence, the panel found that its consideration of the credibility of Female A's account would be restricted if they could not question Female A to clarify aspects of her evidence particularly in respect of dates and the chronology of events; similarly PC Wafa would be denied the opportunity to challenge the credibility of Female A's account through cross-examination.

Whether there was any suggestion that the witnesses had reasons to fabricate their allegations.

28. The panel noted that it was submitted on behalf of PC Wafa that Female A had lied about the control exerted over her by PC Wafa and that Female A had reason to fabricate the allegations against him. The panel concluded that its ability to fully consider the assertions made by the defence would be significantly restricted in the absence of Female A and PC Wafa would not be able to put his assertions to Female A.

The seriousness of the charge, taking into account the impact which adverse findings might have on PC Wafa's career.

29. The panel noted that there was no dispute that the allegations facing PC Wafa are extremely serious and if proved, would most likely result in the most serious outcome available, namely his dismissal without notice. The panel therefore concluded that the impact of any restriction on PC Wafa's ability to put his case to Female A and explore her credibility would be significant.

Whether there was a good reason for the non-attendance of the witness.

30. The panel noted that in August 2025 Female A is described by the VSU as being

[REDACTED]. Female A had been granted special measures to give her evidence remotely and she had made herself available to attend the first listing of this hearing in October 2025. Female A also engaged in a further video interview in October 2025.

31. The panel found that since January 2026 PC Coban has recorded a number of reasons for Female A not wishing to attend as a witness. In January 2026 Female A told PC Coban that she was having doubts about attending the hearing and PC Coban observes that Female A appears to be becoming more [REDACTED] as the hearing approaches. In March 2026 Female A informed PC Coban that she does not feel good in herself and does not wish to proceed with any cases. PC Coban meets with Female A on 9 April 2026 and is informed that Female A wants to focus on her [REDACTED] and does not want to proceed with the hearing. She also states she is worried that PC Wafa will harm her or her family in Afghanistan, due to the low cost of arranging violence there, but she confirms that there had been no specific prompts threats or communications to that effect. She has not been threatened.

32. In Female A's withdrawal statement dated 21 April 2026 she states that one of the main reasons for her decision is 'fear' but she also states her [REDCATED] and thought processes have worsened and that talking about the case causes her emotional distress. The statement concludes:

"This decision is entirely my own, I am withdrawing because continuing is damaging my (REDACTED). I respectfully request that my wishes are taken into account and that my involvement in this case ends"

33. In light of the above the panel were unable to determine why Female A was willing to attend the hearing in October 2025 but was unwilling to attend this hearing or whether her primary reason for not wishing to attend was the impact on her [REDACTED] or fear of potential harm to her family. In the opinion of the panel it was unfortunate that the AA were not in a position to present the case against PC Wafa adequately in October 2025, as the delay in presenting this case

may also have contributed to Female A's unwillingness to attend as a witness at this hearing.

34. The Panel noted that in any event, although the cogency of the reason for non-attendance is an important factor, the absence of good reason does not automatically result in the exclusion of the evidence. The panel therefore determined that in the circumstances of this case, the absence of a clear reason for Female A's non-attendance did not assist them in determining whether her evidence should be excluded or admitted.

Whether the Respondent had taken reasonable steps to secure the attendance of the witness

35. There is no dispute in respect of the steps taken by the AA to secure Female A's attendance at the hearing. An early application was made for Female A to give evidence remotely to alleviate her [REDACTED] about having to face PC Wafa and to enable her to give her best evidence with the assistance of an interpreter. Female A had also been appointed a victim support officer who kept in contact with her. Following Female A's indication on the 9 April 2026 that she would attend the hearing if forced, the AA applied for witness summons from the High Court. PC Coban also met with Female A on 21 April 2026 in a further attempt to alleviate her concerns and secure her attendance at the hearing.

36. In light of the above the panel concluded that the AA had taken reasonable steps to secure the attendance of Female A. Although steps to obtain a witness summons could have been commenced earlier, the panel were aware that the impact on a vulnerable witness of being summonsed to attend a hearing (on threat of being arrested) is significant and as such a witness summons should only ever be sought when all other options have been exhausted.

The fact that PC Wafa did not have prior notice that the witness statements were to be read

37. There is no dispute that the AA first became aware of Female A's unwillingness to

attend this hearing in January 2026 and that PC Wafa was not made aware that the AA would be seeking to rely on her evidence in her absence until 21 April 2026, which was the first day of the scheduled four-day hearing. In the opinion of the panel the impact of this late notification was negligible as the nature of PC Wafa's defence was not impacted in that he has always denied the allegations; and he is legally represented and as such his counsel was able to adequately respond to the AA application.

Panel determination

38. Having considered the issues in the case, the other evidence to be called and the potential consequences of admitting Female A's evidence in her absence, the panel found that her evidence was decisive in respect of the allegations facing PC Wafa, her evidence was significantly challenged by PC Wafa and elements of her evidence in respect of dates and the chronology of events required clarification. Therefore, the panel concluded that Female A's evidence was not demonstrably reliable and as there were no other direct witnesses to the alleged physical assaults there was no other means of testing the reliability of her evidence. In light of this finding the panel determined that the prejudicial impact of Female A's evidence outweighed its probative value and as such it would be unfair to allow her evidence to be admitted in her absence. The AA application was therefore refused.

CONCLUSION

39. In light of the panel decision to exclude the evidence of Female A counsel for the AA advised the panel that the AA were no longer pursuing the allegations against PC Wafa. The allegations against PC Wafa were therefore dismissed by the panel.