

In the Matter of

THE COMMISSIONER OF THE POLICE OF THE METROPOLIS ("the

AA") v

PC DAVID SEAGER ("the Officer")

1. This hearing has been held between 5 and 7 February 2024 at Palestra House, London SE The Metropolitan Police Service (the AA) was represented by Mr Goss and the Officer by Mr Ponte.
2. The Panel consisted of Superintendent Kirsty Andrew (Assessor); Ms Bernadette Leverton (Independent Member); and Ms Catherine Elliott (LQC).
3. The hearing was held in public.
4. The allegations facing the Officer are set out in the Regulation 30 Notice served upon him under the Police (Conduct) Regulations 2020. These are:

5. The Allegations

It is alleged that

1. *On a date between 1 November 2019 and 30 April 2021 in Lewisham Police Station you said to PC [REDACTED] F [REDACTED] words to the effect of "are you feeling very nippley today because I can see your nipples through your shirt".*
2. *On a date on or around June 2020 in Lewisham Police Station you said to PC [REDACTED] W [REDACTED] words to the effect of "your tits look amazing", placed your hands in front of PC W [REDACTED]'s breasts while making a squeezing motion, and said "I would love to squeeze them".*
3. *On more than one occasion between around 01 July 2020 and 30 April 2021, you asked uninvited questions of both PC F [REDACTED] and PC W [REDACTED] about their sexual relationship with each other.*
4. *The impropriety of the above conduct was aggravated by the disparity in status between you, as an experienced constable, and PC F [REDACTED] and PC W [REDACTED], who were both probationers at the time.*
5. *On 14 November 2021, you sent a WhatsApp message to PC [REDACTED] O [REDACTED] saying "Haha, I want to link your anus".*

Breaches of the Standards of Professional Behaviour

Your actions as set out above, individually or cumulatively, were in breach of the following Standards of Professional Behaviour:

a. Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

b. Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

c. Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Assessment of Conduct if Proven.

Your conduct, if proven, is so serious that your dismissal could be justified, and your conduct amounts to gross misconduct.

6. The Panel must, firstly, determine whether the alleged conduct on the part of the Officer has been proved. The standard of proof is the civil standard, that is the balance of probabilities. The burden of proof lies entirely with the AA, and the Officer does not need to prove anything.

7. If the Panel finds that the alleged conduct has been proved, it will then determine whether that conduct has breached the professional standards referred to above and, if so, whether the breach(es) amount to Misconduct, or Gross Misconduct, or neither.

8. The Professional Standards are contained within the 2020 Regulations and are enlarged upon within the College of Policing's Code of Ethics.

9. The Panel received a bundle of documentary evidence prior to the hearing, supplemented by a further document during the hearing, as well as a character reference on behalf of the Officer.

10. The Panel heard live evidence from the following witnesses:

PC F [REDACTED] and PC W [REDACTED]

The Panel considered both officers to be generally open and credible witnesses. PC W [REDACTED] was clearer in her evidence, showing good recollection and detail. She also readily admitted certain matters which were unlikely to reflect well on her, for example that she had engaged in sexual banter with PC Seager herself.

PC Seager

The Panel found PC Seager to be a less consistent witness. It recognises that hearings such as this can have very serious consequences for an officer and that this can affect how they give their evidence, and that not everyone will act in the same way. Having said that, it found PC Seager to be evasive at times; he skirted around some questions, such as when asked about the CAD system and his understanding of its content and operation.

11. The Panel took all of the evidence into consideration. It also took account of the Closing Submissions of Mr Goss and Mr Ponte.

The Background to the Allegations

12. PC Seager was part of the ERPT (Emergency Response Team) based at Lewisham. He had joined the Metropolitan Police Service (MPS) in 2016.

13. PCs W [REDACTED] and F [REDACTED] were both probationer officers who had joined the MPS in 2019 and they became part of the same Response team as PC Seager. They entered into a physical, romantic relationship together in August 2020. It seems that each of them had a friendly working relationship with PC Seager.

14. PC F [REDACTED] says that she would have had frequent contact with PC Seager but that they were not friends. PC Seager says that he thought he was close to this officer, that they would often talk about personal matters when out together, including her relationship with her ex-partner, and that he would try to help her, to promote her self-confidence. He says that he helped her after a police car collision she was involved in and with pre-course training for a Taser course.

15. PC W [REDACTED] described a friendly working relationship with PC Seager. He was approachable and someone who could be approached if she needed advice. They engaged in "work based banter", which would include sexual jokes, back and forth, accompanied by laughter. She said that these did not bother her. This is supported by PC Seager's evidence.

16. His description, in his Written Statement, is that he cared for them as friends and tried to show his pastoral side, defending PC F [REDACTED] when she was being judged by others. He says that he was not as close to PC W [REDACTED] as to PC F [REDACTED].

17. PC O [REDACTED] seems to have been a closer colleague to PC Seager, to the point where they would joke that they were "work husband and wife". There seems to have been a genuine friendship as well as a working relationship.

18. There came an incident in May 2020 in what is known as the Writing Room. This is a large room where officers can do their paperwork, often before or after a shift. On this occasion, PC W [REDACTED] and PC Seager were there and had a disagreement about his beard and her haircut. She says that she called him

an idiot, and he started shouting abuse at her. The comment about her hair had upset her, especially as it was in front of several other officers.

19. The altercation was witnessed by PC Richardson who provided a Written Statement on 22 November 2022. He did not recall the exact words, nor did he know what PC W [REDACTED] had said to provoke PC Seager's response but he didn't think it was justified and he challenged it at the time.

20. She says that PC Seager came and apologised later that day and explained that, in his mind, she did not know him well enough to call him an idiot and he wouldn't just take that from a probationer. She says that this made her realise that their relationship was strictly work related. She confirmed in her oral evidence that this incident was a turning point for her.

21. PC Seager confirmed that this incident happened but, when asked whether this was the cause of a falling out, said that it was but that there was more to it than that. He did not elaborate until questioned by the Panel.

The Evidence and the Panel's Findings

22. The task of a panel in these disciplinary proceedings is to find whether an allegation is proved on the balance of probabilities - it is a weighing of probabilities. It has looked carefully at all the evidence presented to it.

- 1. On a date between 1 November 2019 and 30 April 2021 in Lewisham Police Station you said to PC [REDACTED] F [REDACTED] words to the effect of "are you feeling very nippley today because I can see your nipples through your shirt".**

23. The evidence brought by the AA to support this allegation is the account of PC F [REDACTED] herself. This is contained in her Written Statement dated 24 January 2022 and in her oral evidence given to this hearing. The allegation is strongly denied by PC Seager.

24. PC F [REDACTED] was unable to recall when this alleged incident may have happened, nor could she provide much in the way of detail. She had to refer to her statement to remind herself of what may have been said, and the Panel is aware that the statement itself was made possibly some two years after the alleged incident.

25. Under cross-examination from Mr Ponte, PC F [REDACTED] agreed that she had not challenged the comment at the time, had not reported it or taken a note of it.

26. She explained that she had not reported it because she was in her probationary year and there was quite a divide between her and more experienced officers, so she didn't feel she could raise it.

27. There is no account of anyone else being in that room who may have heard this comment, and she

could not recall if she had spoken to anyone else about it.

28. She told the hearing that she was upset at the thought of PC Seager returning to the Team after being on restricted duties and that, in a conversation with PC W [REDACTED] and another colleague, this made her feel uncomfortable and almost intimidated.

29. PC Seager has categorically denied, throughout, that he ever made this comment. His response to the suggestion that he did say it was a simple "Absolutely not".

30. The Panel was told that this was a well-used room but that, during the Covid period, work spaces were separated by a few feet so it is possible that others were present but did not hear the alleged comment.

31. The Panel is mindful that an allegation must be proved by the AA and that PC Seager does not have to prove that something did not occur. The account given by PC F [REDACTED] does not have sufficient clarity for the Panel to make a finding. There may have been some incident in the Writing Room during that 18 month period which left her feeling uncomfortable, but the Panel cannot say that it was this incident.

32. The Panel has concluded that this Allegation has not been proved to the requisite standard.

2. ***On a date on or around June 2020 in Lewisham Police Station you said to PC [REDACTED] W [REDACTED] words to the effect of "your tits look amazing", placed your hands in front of PC W [REDACTED]'s breasts while making a squeezing motion, and said "I would love to squeeze them".***

33. The evidence for this allegation comes solely from PC W [REDACTED]. Again, it allegedly took place in the Writing Room and she was able to give a clear account, both in her Written Statement and in her oral evidence. She helpfully indicated the physical locations of the people there and how PC Seager was leaving the room but approached her, made the comment and the gesture and then left.

34. She stated that she turned to PC J [REDACTED], who was working some 5' away on an adjacent work space, and spoke to him. In her Written Statement, she says that she said something like "how can he get away with that?"; in her live evidence, she says that she said something like "Did you hear that?" and "How does he think he can get away with that?". She could not recall if PC J [REDACTED] responded.

35. PC J [REDACTED] gave an account on 21 February 2022, in which he said that he had no recollection of an incident in June 2020 between PC W [REDACTED] and PC Seager.

36. PC W [REDACTED] explained why she had not reported PC Seager's alleged conduct earlier and she also referred to her position as a probationer. She said that she didn't want to risk being shunned and losing the friends she was making in the Team. PC W [REDACTED] told the hearing of a meeting called by the Sergeant and Acting Inspector after a night shift parade; this was shortly before PC Seager was due to return to the Team in 2021; this meeting was for female officers only, to discuss concerns that had been aired about his proposed return, and it was here that PC W [REDACTED] decided to tell them of her own experiences

with him.

37. PC Seager firmly denies this allegation and thus has no counter evidence to offer. He says in his Written Statement that "the event did not happen".

38. PC Seager denies that there was a disparity between probationers and experienced officers but this is rather contradicted by his own words in that he has described his "pastoral" approach and how he would help them at work, including PC W [REDACTED].

39. The Panel found PC W [REDACTED] to be a credible witness and it noted that she had detail of when and how this incident could have happened, including that PC J [REDACTED] was sitting close by and could be asked about it. It acknowledges that he could not recall it himself, which neither supports nor refutes the allegation, and the Panel cannot draw any conclusions from this.

40. The Panel notes that, in his Written Statement, PC Seager describes how PC W [REDACTED] "admits she would be the one to suggest some sexual favour at which I would laugh" and the Panel can accept that he may have understood words and gestures such as this to be part of that pattern.

41. The Panel has weighed the evidence around this allegation and concluded that the account of PC W [REDACTED] is more likely to be true and that **this allegation is therefore proved, on the balance of probabilities.**

3. *On more than one occasion between around 01 July 2020 and 30 April 2021, you asked uninvited questions of both PC F [REDACTED] and PC W [REDACTED] about their sexual relationship with each other.*

42. The evidence for this allegation comes from the three individuals involved. PCs F [REDACTED] and W [REDACTED] claim that it happened, and PC Seager firmly denies it.

43. His account is that he has asked questions and had discussions with them about their relationship but that these were not crudely sexual in the way that they are claiming. He said that they would be the "How's the relationship going?" type of question that one would put to a friend.

44. As an example of how they engaged with him, he recounted an occasion when they were at an external police facility called The Warren and, possibly in response to him telling them how pretty his partner was, they wanted to see a picture of her in her underwear. When this was put to each of them in the hearing, they had no recollection of any such occasion and denied any such request relating to underwear.

45. PCs F [REDACTED] and W [REDACTED] both state that their relationship with PC Seager was a working one, not a friendship. They both accept that others within that Team may have asked questions about their relationship and their sex lives but that this was acceptable from colleagues whom they considered to be friends. They also admit that such sex-based questions were not uncommon and were asked of others,

not limited to them as a lesbian couple. She accepted that PC Seager may have considered himself to be a friend.

46. Although there are some minor disparities in their accounts - such as that there is no mention of sex toys in PC F█████'s Written Statement whereas she stated in oral evidence that this was a topic asked about by PC Seager - the core of their accounts remained consistent. This is, that unwelcome questions were put by PC Seager about their sex life together.

47. Mr Ponte has submitted that their accounts cannot be relied upon, given the close connection between the two female officers, that their interests combine and each stands to benefit from the findings for the other. This may be true, and the Panel acknowledges the obvious potential for collusion. It is very unlikely that they would not have discussed these allegations at some point. Nevertheless, the Panel has found them generally to be credible witnesses.

48. In his Written Statement, he has said that he dislikes intensely the use of the word "banter" which can too often be used as an escape from wrongdoing; he admits in that Statement that there were general conversations around sex lives, although in his oral evidence he was insistent that he never asked about their sex life and has restricted his questions to their relationship generally. He has said that any sexual favour comment came from PC W█████ and was not reciprocated by him.

49. The Panel heard that, at the meeting called in 2021, remarks were made that "Dave is just Dave" and that "He is who he is ". When it was put to him here that these indicate a tendency to make sexual comments, PC Seager answered that this was what PC W█████ was trying to convey. Mr Ponte submitted that this cannot be relied upon, as it is hearsay.

50. The Panel considers it likely that there was "banter" within that Team and between these three individuals. It seems that, prior to the May 2020 argument in the Writing Room, PC W█████ was a willing participant in this; PC F█████ may never have been comfortable with this kind of interaction, the evidence is unclear on that.

51. The two female officers had no objection to questions about their sex life from those whom they considered to be friends, but that PC Seager did not fall into that category. The Panel acknowledges that he believed he was a friend.

52. There is nothing to support the view that they were being asked such questions simply because they were in a lesbian relationship. It may be that PC Seager was curious about what they did and how they did it, but the evidence is that they were not singled out or treated differently in this respect.

53. It is accepted that neither of them had ever raised PC Seager's behaviour as a concern, or had raised it with him personally and asked him to stop.

54. The Panel considers that there were some inconsistencies in PC Seager's evidence, and it concluded that PC F█████ and PC W█████ are telling the truth about intrusive questions being put to them. They had not invited these, in a literal sense, but it is fair to say that PC Seager may well have been unaware that his questions were causing them discomfort and annoyance.

55. The Panel has concluded that, on the balance of probabilities, this Allegation is proved.

4. The impropriety of the above conduct was aggravated by the disparity in status between you, as an experienced constable, and PC P [REDACTED] and PC W [REDACTED] who were probationers at the time.

56. The Panel heard from both PC [REDACTED] and PC W [REDACTED] that they felt unable to raise concerns about PC Seager's conduct because they were probationers while he was an experienced officer, and that there was a divide between them and the more experienced Team.

57. PC Seager denied, in his oral evidence, that this was an environment in which they couldn't voice their concerns.

58. Mr Ponte submitted that, by the time the matters were raised, they were not particularly junior at all and that neither of them was a sole complainant, which is true.

59. The Panel considers it likely that there was a general, and accepted, difference between experienced officers and probationers, certainly in their early days. PC Seager himself has stressed how he tried to help them along, guide them and provide pastoral care. This is not something that would normally be done for someone of equal status and/or experience.

60. Further, in his Written Statement relating to PC Seager's behavior in the hair incident in May 2020, PC Richardson says that he always assumed that "as a more senior member of the team he had reacted to Annie's (a more junior member) comment to him angrily". This certainly suggests that PC Richardson saw a clear distinction between them.

61. The Panel concludes that there was a disparity in status between PC Seager and PCs P [REDACTED] and, W [REDACTED] and that this aggravated the impropriety of the conduct which has been found proved. This Allegation is, therefore found proved on the balance of probabilities.

5. On 14 November 2021, you sent a WhatsApp message to PC-Redacted saying "Haha, I want to link your anus".

62. The evidence in relation to this allegation comes from a signed Witness Statement from PC C [REDACTED] dated 25 January 2022.

63. In this, she recounts that she was assigned to an appointment with a member of the public relating to an allegation of a historic sexual assault. On her way there, she received a WhatsApp message on her phone from PC Seager, someone she had a "great" working relationship with. The message said "Ha ha, I want to link your anus", which confused her. After she met the informant, she realised that this had come from the details contained in the CAD system, which records all information relating to a reported crime. PC C [REDACTED] as shocked and reported it immediately.

64. It is not in dispute that PC Seager sent this; what is open to question is how and why he sent it. It is also not disputed that predictive text changed the word "lick" to "link" and that he had not noticed.

65. PC Seager's role at the time involved looking into the CAD system and extracting certain categories of cases to work on. This particular report did not fall into his categories but, when he had accessed it to look, he had noticed that it contained the words "I wanted to lick your anus". These words had caught his attention.

66. PC Seager told the Panel that, a few days later, his colleague, PC B [REDACTED] looked at the same report, saw the same line and they both found it bizarre, an "odd and amusing" comment. PC B [REDACTED] pointed out that PC O [REDACTED] was attending the caller that day, so PC Seager sent the WhatsApp message, expecting a witty response in return. He told the hearing he sees now that it was childish humour.

67. A considerable amount of time was spent in the hearing on why PC Seager should be reading that CAD report, what he had understood from it, and what he had found amusing about it to cause him to act as he did. This was largely because his responses to questions were rather unhelpful. For example, the call was initially opened as, primarily, "02 Sexual Offences", followed by "17 Malicious Communications". The initial details included operator comments that described the informant as feeling scared.

68. He told the Panel that he thought it was simply a Malicious Communications report and he purported not to recall what an "02" code meant. The Panel could not believe this from an experienced officer who, by his own account, held a dedicated role reviewing hundreds of CAD reports a day.

69. Whether he ought or ought not to have been reading that particular report, it is admitted by him that he sent the WhatsApp message and **the Panel therefore finds this allegation proved.**

The Alleged Breaches of Standards

70. The Panel has found that Allegations 2, 3, 4 and 5 have been proved. The Regulation 30 Notice goes on to allege that PC Seager's actions breached three Standards of Professional Behaviour.

71. Whether the finding on Allegation 4 can be said to breach any of the Standards is questionable; it is an allegation that the conduct (the actions) set out in the previous allegations was aggravated by a particular set of circumstances, and the Panel will look at that conduct under this section of the determination. The Panel will therefore not consider whether Allegation 4 itself has constituted a breach of Standards.

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

72. The Panel has found that, in his interaction with PC W■■■■ in June 2020, PC Seager made a lewd, sexual comment and a lewd, sexual gesture. These were deeply unpleasant for PC W■■■■, to the extent that she immediately turned to another colleague and asked if he had heard it and how could PC Seager get away with that. PC W■■■■ was not treated with the courtesy and respect to which she was entitled.

73. The Panel has also found that PC Seager put uninvited questions to both PC W■■■■ and PC F■■■■ about their sex lives - intrusive and prurient questions, questions which PC W■■■■ said made her wonder if he, a heterosexual male, was viewing her personal sex life as some form of fantasy. Again, this conduct does not show respect and courtesy to these two officers, even if tempered by his belief that sexual enquiry of this nature was acceptable in the workplace.

74. The Panel also acknowledges that PC Seager may not have appreciated the effect his conduct was having on them. In fact, PC W■■■■ said that he apologised to her after the May 2020 outburst.

75. The WhatsApp message sent to PC O■■■■ was disrespectful to her as a fellow officer, a female officer on her way to attend on a female complaining of a sexualised phone call and earlier sexual assault. It came out of the blue and shocked her.

76. It was also deeply disrespectful to the member of the public who had reported the crime.

77. The Panel has no hesitation in saying that all of the **Allegations 2, 3 and 5, as found proved, breached this Standard**

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

78. In respect of Allegation 2, PC Seager made a comment and gesture to PC W■■■■ which, in the Panel's view, most people would consider to be offensive - in any setting. The Panel has asked itself whether these words and gesture, or similar, would have been directed at someone without PC W■■■■'s particular protected characteristics. It sees no correlation between the words/gesture and her sexuality; however, it considers it unlikely that they, or something in a similar vein, would have been directed at a man. PC Seager was simply leaving the Writing Room, saw PC W■■■■ and approached her to make a lewd and offensive comment and gesture about her body. In the Panel's view, he treated PC W■■■■ in a way he would not have treated a man.

79. The more general conduct towards PCs F■■■■ and W■■■■, as set out in Allegation 3, the posing of questions about their sex life, seems to have been replicated with and by others in the Team. They both said that they had not been singled out in this regard; that is, they had not been treated differently from others. So, even though they may have found the questioning unpleasant and have felt offended by it, it cannot be said to amount to discrimination or to have breached this Standard.

80. Turning to Allegation 5, the WhatsApp message was also offensive and ill-judged. Although the CAD report does indicate that the caller was female, it is not clear if PC Seager had read that far into it, as he claims his eye was caught by the odd phrase rather than that he actually read the report. Even if he were aware that the caller was female, there is no indication that he would not have sent the same message to PC O■■■■ if the caller had been male. PC Seager had no contact with the caller, and the message was not aimed at or about the caller. There is no actual evidence that the Officer was acting in

a discriminatory way or was failing to be impartial.

81. Therefore, the Panel finds that **Allegation 2 alone breached this Professional Standard**

Discreditable Conduct.

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

82. The Panel acknowledges that the comments and gestures made towards PC F [REDACTED] and, particularly, PC W [REDACTED] were made in an environment in which sexualised comments may have been accepted by some members of the Team. However, most ordinary members of the public would, the Panel believes, find them to be disrespectful and unprofessional.

83. The line (mis) quoted in the WhatsApp message is of a different character. This is actively mocking, making fun of, a reported crime. The AA [REDACTED] has not suggested that PC Seager would ever, in person, make light of a sexual offence but the public would not wish to see an officer considering this to be no more than childish humour.

84. The Panel is of the view that, were the public to know of the above, their confidence in the police service would be affected and potentially undermined, and **that the conduct found proved in Allegations 2,3 and 5 breach this Standard.**

85. The Panel then asked itself whether the breaches it has found proved amount to Misconduct or Gross Misconduct, either individually or cumulatively. Misconduct is misconduct so serious as to justify disciplinary action; Gross Misconduct is misconduct so serious as to justify dismissal.

86. All officers should act with self-control and treat their fellow officers, as well as members of the public, with respect. This was not done here.

87. Looking at all the circumstances, including the apparently prevailing acceptance of conversations around colleagues' and friends' sex lives, and acknowledging the disparity in rank addressed in Allegation 4, the Panel has concluded that:

- the more generalised conduct in **Allegation 3 would amount to Misconduct**
- the more directed and offensive behaviour in **Allegation 2 amounts to Gross Misconduct.**

88. The Panel is aware of the importance of gaining and retaining the trust of the public in the police service, and that this is an issue of widespread concern in recent times. For this reason, the Panel considers that

- the conduct set out in **Allegation 5 amounts to Gross Misconduct.**

89. The Panel will hear submissions from Mr Goss and Mr Ponte as to the appropriate Outcome based

on the above findings.

OUTCOME

90. The Panel next turned its attention to Outcome, that is, what action should be taken to address the Gross Misconduct found. It has had regard to the College of Policing's Guidance on Outcomes. It has borne in mind throughout the three guiding principles of these regulatory proceedings, namely:

- *protection of the public;*
- *upholding standards within the police service, and thereby deterring misconduct;*
- *maintaining public confidence in, and the reputation of, the police service.*

91. It heard submissions from Mr Goss and Mr Ponte

92. Mr Goss submitted that the only appropriate outcome in this case would be Dismissal from the police force. Mr Ponte questioned whether the breaches found are so serious that Dismissal is the only appropriate outcome.

93. PC Seager also addressed the Panel. He spoke of his love for his job, his dedication to the Metropolitan Police Service and how, through his dealings with the public, he has developed a particular interest in assisting the mentally ill.

94. The Panel gave due consideration to all of these submissions.

95. The Panel received the employment records for PC Seager. These show that he had been a Special Constable before becoming a police officer and that he has no disciplinary history. He was an advanced response driver, a Public Order Level 2 officer and he had very few days off sick in the last 8 years.

96. The Panel first assessed the seriousness of the misconduct, considering each of the following aspects:

Culpability

97. It is an accepted principle that officers are responsible and accountable for their own actions.

98. PC Seager was an experienced officer, having joined the Metropolitan Police in 2016. He should have been fully aware of the responsibilities and expectations of his role.

99. Para 4.10 of the Guidance states that conduct which is intentional, deliberate, targeted or planned will be more culpable than conduct which is not.

100. All of the misconduct found proved was intentional and deliberate; there was nothing accidental or inadvertent about it.

101. The Panel saw no evidence that any of the misconduct was planned. The incident with PC W [REDACTED] in Allegation 2 seem to have occurred simply because he saw her as he was leaving the Writing Room, and

the uninvited questions he put to both female officers appear to have happened as part of general conversations. The sending of the WhatsApp message to PC O [REDACTED] was the result of his happening to see the offending line in the CAD report.

102. The conduct in allegations 2 and 3 was directed at one or both of these officers, but there has been no evidence that they were being “targeted”. Indeed, when asked, PC W [REDACTED] said that she had not been singled out. In light of the more general statements contained in the Written Statements, it seems that comments and questions about sex lives may have been prevalent behaviour in the Team. Due to that prevalence, it is possible that PC Seager did not realise that these officers found such enquiring to be unacceptable and upsetting.

103. The three officers were all Constables, but PC Seager was more experienced. He was a mentor to more junior officers. The two female officers were probationers and, in his Written Statement and his oral evidence, PC Seager has volunteered that he adopted a guiding role. As found in Allegation 4, his misconduct did, therefore, contain an element of abuse of a more senior position.

104. There was a degree of sexual impropriety in Allegation 2, but there is nothing to indicate a sexual motive underpinning his conduct, nor any other malign intent.

Harm

105. There is evidence of a degree of harm suffered by both female officers. This was described in their respective witness statements and confirmed during the course of their live evidence. PC F [REDACTED] said that, during the conversation in the car with PC W [REDACTED] and a colleague, she was crying and upset at the thought of PC Seager returning to the Team.

106. PC W [REDACTED] said that, when her breasts were lewdly commented on, accompanied by a lewd gesture, she felt objectified and it affected how she dressed after that. PC O [REDACTED] spoke of her shock at seeing his WhatsApp message.

107. There is nothing to indicate that PC Seager had foreseen that any of his conduct would have caused harm or discomfort to any of these officers. The Guidance states that this would not reduce culpability if the harm could have been reasonably foreseen. Given the nature of his relationship with all the officers (as he believed it to be) and the environment in which the conduct occurred, the Panel accepts that he would not reasonably have foreseen their reactions.

108. There is a clear potential for reputational harm. Members of the public would wish to see officers acting with courtesy and respect, not to be subjecting female officers to intrusive and prurient questions about their sex lives and, in the case of PC W [REDACTED], an exaggeratedly sexual comment and gesture.

109. The public would, in the Panel’s view, also be disturbed that a serving officer would make light of a reported crime of sexualised malicious communication.

Aggravating Factors

110. There is no evidence around the number of times sexual questions were put to either officer but the Panel has accepted that it was not an isolated incident. Having said that, neither officer seems to have told or asked him to refrain, leaving him unaware that the questions were unwelcome.

111. PC Seager has firmly denied that any of the conduct which the Panel has found proved (apart from Allegation 5) happened at all and has accused PC W [REDACTED] and PC F [REDACTED] of fabricating the allegations. The Panel acknowledges that a person has every right to defend himself; set against this is the knowledge that an early admission and an acceptance of failings will stand an accused officer in good stead.

Mitigating Factors

112. The Panel has not seen evidence of many mitigating factors. The conduct with PCs F [REDACTED] and W [REDACTED] was all in a restricted setting, within what PC Seager says he believed was a friendship setting. Similarly, distasteful though it was, the message he sent to PC O [REDACTED] was on a private WhatsApp facility, destined for her eyes only

113. The incidents in Allegations 2 and 5 were brief, single episodes. There is no evidence of similar conduct involving anyone else.

Decision

114. The Panel must assess the seriousness of the breach of Professional Standards and balance that against the particular circumstances of the case and any mitigation offered by an officer, bearing in mind at all times the public interest.

115. There is no relevant personal mitigation offered for the Panel's consideration.

116. The Panel is conscious of the public interest in retaining the services of an otherwise good officer where the misconduct found has been out of character and indicates no propensity to act again in the way he has acted.

117. PC Seager appears, from his employment history, to be a good officer. The Panel was shown what Mr Ponte described as "snippets" from a much larger bundle of comments and reports of PC Seager's good policing. These included entering a burning building and rescuing the occupant, eliciting online comments such as "Absolute hero well done". They included an emailed thanks from a member of the public for kind and professional handling of a mentally unwell neighbour, and an official chart showing him to have had the highest arrest figures on his Team in 2020.

118. Although his role on the Response Team involves frequent interaction with the public, PC Seager told the Panel that he has never had a single complaint made against him.

119. The Panel must have regard to the three overarching principles set out earlier.

120. Whilst there is no member of the public involved in this misconduct, female officers have the right to be protected from unwanted sexualised behaviours, so the Panel is of the view that there is a need to look at the issue of public protection. The Panel has been told of nothing other than these specific allegations. It is aware that a meeting was held for female members of the Team to hear concerns about PC Seager's return. There has been no explanation of what those concerns might have been, but the Panel was told that he was on restricted duties at the time owing to an unrelated matter which was subsequently dismissed. The Panel cannot infer that PC Seager was presenting any kind of danger to females in the police service, and it considers that there is no evidence presented to indicate real or actual public protection concerns here.

121. This case does engage the need to uphold standards within the police service, which operates also as a deterrent effect for other officers. A clear message must be given that professional and courteous behaviour between colleagues is what the police service demands and the public is entitled to expect.

122. Finally, the Panel has found that this misconduct has the potential to cause reputational damage and to harm the trust which must exist between police and public. On this aspect, the Guidance cites the case of R (Green) v Police Complaints Authority 2004, and the ruling of Lord Carswell, in which he stresses the importance of public confidence in policing. He says *"If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded."*

123. This particular misconduct has not been left unchecked. The allegations against PC Seager have been investigated and brought before an independent panel in a public hearing; that Panel has looked into all the evidence in great detail before making its impartial findings. This must go some considerable way to satisfying the public that improper behaviour is taken seriously and officers are held accountable "in a suitable manner".

124. The Panel must look at the lowest available outcome first. In a case where Gross Misconduct has been found, this is a Final Written Warning and the Panel must ask itself whether this would address the severity of the misconduct and the need to maintain public confidence.

125. It has no doubt that this entire process - from initial enquiry through to this point in proceedings - will have been a salutary lesson for this officer. The Panel is aware that it has taken its toll on his health, and it has no concerns about his repeating this conduct. This process is not designed to be punitive; its purpose is not to punish an officer for wrongdoings.

126. His misconduct was limited, done in a mistaken belief that it would be acceptable within what he thought were friendships. It seems to have been in stark contrast to his sensitive handling of people when out on his duties.

127. In all the circumstances, the Panel has concluded that a Final Written Warning would be the appropriate outcome for the misconduct which it has found. It has considered the Home Office

Guidance on this and concluded that a period of five years would be suitable. This would mark the severity of the misconduct and, in the Panel's view, satisfy the public interest.

128. The Panel also hopes that PC Seager will be able to reflect on what has happened, and thereby ensure that his conduct in future will be of a standard to bring only credit on the police force, rather than discredit.

That concludes this hearing.