

Accelerated Misconduct Hearing of Police Constable David Seager P242323 held on 28th February 2024

Breach Decision

I have had the benefit of the papers in advance of today and read them carefully before the hearing started. As indicated above, I am satisfied that all the required notices under the Police (Conduct) Regulations 2020 have been served.

I have listened to the case presented by Miss Amy Clarke on behalf of the Appropriate Authority, supported by a written opening note. PC Seager had the opportunity to make representations during the hearing.

The allegations of misconduct against PC Seager are that he breached the Standards of Professional Behaviour set out in Regulation 5 and Schedule 2 to the Police (Conduct) Regulations 2020:

- Between February and December 2020 you sent repeated messages referencing sexual violence, rape, forced impregnation and slavery in the context of sexual fantasy to Miss A.
- Between February and December 2020 you were involved in a professional capacity in a crown court trial and sent WhatsApp messages to Miss A regarding the defendant in that trial stating “He will without doubt get prison. Where his anus will be torn apart. He deserves it”.

I have reminded myself that gross misconduct is a breach of the Standards of Professional Behaviour so serious that dismissal would be justified. In determining whether the matters amount of gross misconduct, I must first consider whether there has been a breach of the standards of professional behaviour. In my judgement, the conduct does amount to a breach of the following standards: Authority, Respect and Courtesy and of Discreditable Behaviour. In respect of Allegation 1, PC Seager has engaged in a sequence of messages with a member of the public whom he had only known for a matter of days, the content of those messages expressing offensive and repugnant attitudes around sexual violence and racial prejudice. The messages express graphic desire to commit rape and other acts of sexual violence towards Miss A in a context of a white supremacist setting. They demonstrate an utter disregard for the feelings and welfare of Miss A, the sexually violent scenarios being aggravated by expressions of domination based on Miss A’s race. I am satisfied on the balance of probabilities that the messages demonstrate a complete lack of respect and courtesy towards Miss A, and that the conduct discredits the police service and would undermine public confidence in it.

As to Allegation 2, the sending of the message to Miss A about a Crown Court case in which PC Seager was involved, whilst expressing attitudes of a violent sexual nature, constitutes a breach of a somewhat different nature. It does nevertheless constitute a breach of both standards of professional behaviour previously outlined, namely Authority, Respect and Courtesy, and Discreditable Conduct. PC Seager has expressed a desire or expectation that the defendant in his case will be incarcerated and as a result will be anally raped. Correspondence of this nature with a member of the public is deeply inappropriate and I have no doubt that it fundamentally constitutes discreditable conduct, and would undermine

public confidence in the police service. Furthermore, it demonstrates a lack of respect and courtesy towards Miss A and the defendant in the opinions expressed about an ongoing case.

PC Seager has argued that the messages were sent in private and he has a right to privacy and a private life. I find that this right is not unqualified, and am gravely concerned by the attitudes and opinions apparently held by PC Seager as expressed in these messages. PC Seager's submissions miss the point, and he has completely failed to address the legitimate concerns raised regarding his attitudes – at best blasé, but arguably bigoted and prejudiced – around sexual violence towards women and racism. The Home Office Guidance sets out at [2.18] that whilst a balance has to be struck with the right to privacy and a private life, as a result of the nature of the office of constable, a police officer is always subject to the Standards of Professional Behaviour even when off-duty. It continues at [2.19] to state that the ultimate test is whether that online activity, notwithstanding that it is done in a private capacity, breaches the Standards of Professional Behaviour and brings discredit to the police as a whole.

PC Seager himself has the awareness in his Regulation 17 Response dated 6 September 2023 to recognise that the content of the messages “could be misconstrued or considered inappropriate, simply by virtue of the fact that [he is] a serving Police officer”. In the hearing, he admitted that messages might appear ‘risque’ to the ‘non-woke members of the world’. He submitted that “I would not be here if I were a builder or a fireman”. This serves to underline his awareness and recognition of the fact that high standards are expected of police officers. It is wholly unacceptable for those who enforce the law to express casually to a member of the public sexual fantasies involving desires of rape and slavery.

Moreover, the sharing of naked images of Miss A with a third party without her consent renders the Officer's assertion that the messaging was private untenable.

Having satisfied myself that the conduct constitutes a breach of the two standards outlined, I must then consider whether that breach is so serious as to justify dismissal and therefore amount to gross misconduct. To determine this, I consider the harm caused by the officer's behaviour and his culpability.

As to harm, whilst it may be said that Miss A did not disengage from the communications with PC Seager, or actively object to their content, equally she did not encourage or indulge those communications in any way. Her response to the messages involving racial prejudice and sexual violence demonstrate clearly they made her feel very uncomfortable and she made him aware of that. However, Miss A made it clear in her interviews with the investigating officer how PC Seager's conduct had affected her, that her life had changed and her approach to relationships. She states she ignored the ‘red flags’ because she was in a happy, giddy phase. This underlines the fact that the messaging was sent very early in their relationship, within a matter of days.

I am particularly concerned that Miss A's trust and confidence in PC Seager was enhanced because of his professional status as a police officer. I note that she used a police officer emoji in saving his contact number to her phone, that PC Seager sent messages to her of him in his police uniform and bragging about his official duties. These features caused her to place greater trust in PC Seager, and accept the offensive messaging content, and therefore further emphasise the need for members of the police service to demonstrate high standards in their interactions with others whether on or off duty.

I consider that the confidence of members of the public in the police service would be significantly undermined by officers sending such graphic, offensive and prejudiced messages, and by communicating in graphic and offensive terms about a court case in which they were concerned. The potential reputational harm caused to the police service by an officer behaving in this way is clearly extremely high.

Taking all of the above into account, I consider harm in this case to be high.

Turning to culpability, I consider that the messages were intentionally drafted and sent by PC Seager. The messaging continued over a period of days, and the message regarding the ongoing court case was communicated several months later, such that the offensive content was sent over a protracted period. The messages in Allegation 1 were sent deliberately and for the purposes of sexual gratification. PC Seager must have been aware that his messages demonstrated a relaxed and highly inappropriate attitude towards rape, sexual violence towards women and racial suppression.

For these reasons I also find culpability to be high in this case.

Given my findings of high harm and high culpability, I am satisfied that PC Seager's conduct amounted to gross misconduct.

Outcome Decision

Following the College of Policing Guidance on Outcomes, I adopt a three-staged approach in order to determine the appropriate sanction.

The first stage is to assess the seriousness of the conduct. This is assessed by reference to:

- i. The officer's culpability,
- ii. The harm caused by the misconduct
- iii. The existence of aggravating factors
- iv. The existence of mitigating factors.

The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements:

- To maintain public confidence in and the reputation of the police service,
- To uphold high standards and deter misconduct, and
- To protect the public.

I further remind myself that the police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.

In adopting the three-staged approach outlined above, I bear in mind PC Seager's record of service and his 5-year Final Written Warning.

I start by assessing the seriousness of the conduct.

Culpability – Building on my comments on culpability made in relation to finding, PC Seager’s conduct was clearly intentional and over a sustained period of time, intentionally degrading a member of the public. That he was in a sexual relationship with Miss A increases the culpability as she has provided evidence that his position of trust as a police officer impacted on her behaviour and trust in him. The messages demonstrate considerable forethought, evidenced through their consistency and composition – they do not appear to have been brief, throwaway comments. For example, the plantation rape fantasy message almost presents as a short story, demonstrating considerable forethought and time for him to compose, over a period of 25 minutes.

Harm – PC Seager’s actions have caused psychological harm to Miss A. Her response to the message previously referenced took 30 minutes and only asked “Are you still awake”. Although I have not found a breach of the Standards in relation to Equality and Diversity, his attitudes are clearly discriminatory and that she has been targeted by him because of her characteristics. If the circumstances of this case were known to the public it would inevitably cause harm to public confidence in the Metropolitan Police. There is significant concern nationally regarding police conduct and the attitudes of those serving within the police force. The ideation of sexual violence against women and men and racial suppression by a serving police officer is inimical to the values of modern policing.

Aggravating factors – I have assessed the officers attitude in relation to how he approached proceedings and his demeanour before the tribunal which the Appropriate Authority asserted acts as an indicator of future conduct. I am in agreement with this. His behaviour before the Panel demonstrates a worrying lack of insight into his own conduct and the situation in which he finds himself. He has acted with complete disrespect throughout the entire misconduct process, expressed a profound desire to damage the Met as far as possible, which was tantamount to blackmail. He stated *“I was much more valuable as a serving police officer than I am as an enemy. I am currently exploring avenues of very publicly suing the police. I will spend the rest of my life defaming the MPS as hard as I can”*. In oral submissions he was very quick to degrade fellow officers, the values of the Metropolitan Police Service and policing more widely, including on grounds of racism and sexual impropriety. The profound irony of those submissions in the context of his own admitted and proven conduct can be lost on nobody. He is an absolute disgrace to the profession, who clearly doesn’t understand or reflect the values of the service.

There are no mitigating factors.

Having considered the matter fully and including the nature and severity of the breaches of the Standards of Professional Behaviour, my decision is that Police Constable David Seager P242323, be dismissed without notice.

Assistant Commissioner Pippa Mills
28/02/2024