

Proposal for PCC consideration/Decision Request

Subject Matter (Title of proposal)	Proposer	Previous related decision(s) & reference
Pensions Forfeiture – former PC Adrian Pogmore	Chief Executive & Solicitor	
OPCC information to aid decision-making/consideration of proposal		
<p>The Police Pensions (Amendment) Regulations 2011 allow a Police and Crime Commissioner (PCC), as the <i>'pension supervising authority'</i> to determine forfeiture of a police officer's pension where, under Regulation K5 (4) of the Police Pensions Regulations 1987, a police officer <i>"has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service"</i>.</p> <p>Paragraph 4 of the Regulations provides that forfeiture may be applied permanently or temporarily. There is then case law (essentially Harrington and the Metropolitan Police Authority) that states that a pension may be forfeited by no more than 65%, the remainder reflecting a police officer's own contributions which should not be forfeited.</p> <p>Home Office Circular 018/2009 provides guidance on the three-stage procedure (Annex B procedure) to be followed in cases relating to the forfeiture of police pensions.</p> <p>In January 2018, on referral of this matter by South Yorkshire Police, the Commissioner made a decision to apply for a certificate for pension forfeiture (Stage 1 of the Annex B procedure), in the case of former Police Constable Adrian Pogmore. This followed Mr Pogmore's conviction on 18 July 2017 at Sheffield Crown Court on four counts of misconduct in a public office, leading to a sentence of 12 months' imprisonment concurrent on each count, on 8 August 2017.</p> <p>A certificate for forfeiture was issued on behalf of the Secretary of State in May 2018 (Stage 2 of the Annex B procedure) on the basis that Mr Pogmore's offences were committed in connection with his service as a member of South Yorkshire Police and were serious in that they were <i>"liable to lead to serious loss of confidence in the public service."</i></p> <p>This allowed the Commissioner to consider whether to forfeit Mr Pogmore's police pension and, if so, the extent of such forfeiture (Stage 3 of the Annex B procedure).</p> <p>In accordance with the Annex B procedure, Mr Pogmore was invited to make submissions to the Commissioner to inform his determination.</p> <p>The Commissioner has today considered the following material:</p> <ol style="list-style-type: none"> 1. Statement of Case from his Chief Executive & Solicitor (provided to Mr Pogmore's counsel), setting out the legal framework, procedure followed thus far, and the circumstances of this case, with various attachments, and legal advice from his Chief Executive & Solicitor 2. Bundles of material from the criminal and misconduct proceedings, including antecedent material advanced on behalf of Mr Pogmore 3. Information from the OPCC and Force Corporate Communications Team on media 		

interest in this case

4. Two submissions from counsel for Mr Pogmore
5. Information as to Mr Pogmore's pension entitlement

Although invited, there was no attendance at today's determination by Mr Pogmore, his solicitors, or counsel.

Confirm Budget Heading – where appropriate

PCC decision & rationale

Executive Summary

I have carefully considered the significant volume of material provided to me, and I have considered as particularly relevant in this case the following factors:

1. The seriousness with which the Court viewed the offence (as demonstrated by the punishment imposed and the sentencing remarks of HHJ Kelson QC)
2. The circumstances surrounding the offence and investigation
3. The extent of publicity and media coverage
4. The betrayal of an important position of trust for personal gain
5. Mr Pogmore's mitigation – essentially, his counsel's submissions and his previous career record and personal circumstances as recorded in the material made available to me

I have determined:

1. that this matter could proceed today without awaiting the outcome of proceedings relating to others (notwithstanding a submission by Mr Pogmore's counsel)
2. that Mr Pogmore's police pension should be subject to forfeiture as provided by the Police Pensions (Amendment) Regulations 2011
3. that 45% of Mr Pogmore's police pension entitlement should be forfeited permanently and forthwith.

The reasons for my decision are that these are grave offences which spanned a total of five years. They required planning on his part, and use of expensive police equipment at a time of financial constraint for the Police Service. The offences also involved an invasion of the complainants' privacy, which can only serve to undermine the public's trust and confidence in the developing use of technology by law enforcement agencies.

There was substantial local and national media coverage of this case, and media enquiries with the Force, which impacts on the trust and confidence of the Force and the Police Service, generally.

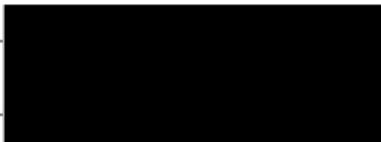
Finally, I have noted the strength of the sentencing remarks of HHJ Kelson QC and of the comments made by the Minister for Policing and the Fire Service.

I consider this to be a case at the higher end in terms of its seriousness but, in determining the level of forfeiture at 45% (the maximum level being 65%), I have noted Mr Pogmore's

Part B (June 2018)

otherwise unblemished service history (for 14-years), the punishment received (12 months' imprisonment and dismissal from the Police Service), and the shame caused to him and his family.

PCC Signature:



Date:

20-01-2019

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