

**POLICE AND CRIME COMMISSIONER
FOR
THE WEST MIDLANDS**

NON-CONFIDENTIAL

NOTICE OF DECISION

[002/2022]

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Title: Pension Forfeiture

EXECUTIVE SUMMARY

This decision relates to the pension forfeiture in respect of ex-police officer, Mr Emerson Estridge.

DECISION

I refer to the Background section of this Notice of Decision, set out below. For the reasons set out and having regard to all of the circumstances, I have determined that the pension should be forfeited. I am satisfied that maintenance of public confidence in the integrity of the police is a legitimate and important matter of public interest, which for the general public good justifies overriding the rights of the individual under Article 1, Protocol 1.

That forfeiture will be at 40%. The forfeiture will be permanent.

Police and Crime Commissioner for the West Midlands

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the Police and Crime Commissioner of the West Midlands. Any interests are indicated below.

Signature..........

Date.....31 January 2022.....

Background

Introduction

As the West Midlands Police and Crime Commissioner, I am the Pension Supervising Authority (“PSA”) for Police Officers serving in West Midlands Police.

Between 14 March 2005 and 13 June 2019, Emerson Estridge (“EE”) served as a police officer in the West Midlands Police.

Chronology

14.03.05: Commenced service as Police Constable with WMP

13.06.19: Resigned whilst suspended

02.07.19: Special Case Hearing held by Chief Constable

04.12.20: Pleaded guilty to 4 counts of corruption/improper exercise of power

11.01.21: Sentenced to a term of 18 months imprisonment

14.06.21: Home Office issued Certificate for Forfeiture

Legislation and Guidance

1. Regulation K5 Police Pensions Regulations 1987
2. Home Office Circular 018/2009: Forfeiture of Police Pensions
3. Home Office: Police Pension Forfeiture Guidance: 11 February 2021
4. Human Rights Act 1998, Schedule 1, Part II, The First Protocol, Article 1
5. Office of Police and Crime Commissioner: Pension Forfeiture Policy

The Facts

On 4 December 2020, EE pleaded guilty to and was convicted of 4 offences of corrupt or other improper exercise of police powers and privileges, contrary to s.26 Criminal Justice and Courts Act 2015. The 4 offences took place between 20 September 2016 and 15 November 2018.

The 4 offences related to 4 different women, all involving circumstances in which EE had taken advantage of his position as a Police Officer in West Midlands Police, to pursue improper relationships for sexual gain.

On 11 January 2021, EE was sentenced to a term of 18 months imprisonment, to be served with immediate effect.

Pension Forfeiture

Regulation K5 of the 1987 Regulations sets out provisions that allow a PSA to determine a pension forfeiture where a pension scheme member has been convicted of an offence committed in connection with his service as a member of a police force, which is certified by the Home Secretary to be liable to lead to a serious loss of confidence in the public service.

Regulation K5(4) of the 1987 Regulations allows a PSA to determine the extent to which the pension should be forfeited when an offence is committed in connection with a pension scheme member's service as a member of a police force. This may be permanent or temporary and may affect the whole or part of the pension.

EE has been convicted of 4 offences of corrupt or other improper exercise of police powers and privileges, contrary to s.26 Criminal Justice and Courts Act 2015. I am therefore satisfied that EE has been convicted of 4 offences in connection with his service as a member of West Midlands Police.

On 14 June 2021, the Minister of State for Crime and Policing, via delegated authority from the Home Secretary, issued a Certificate for Forfeiture certifying that conviction of the 4 offences are liable to lead to a serious loss of confidence in the public service.

The Issues

I now have to determine the following:

1. Should the pension be forfeited at all?
2. If so, whether that should be in whole or in part?
3. Should any forfeiture be permanent or temporary?

Determination of the Issues

In reaching my decision in relation to the matters set out at 1 to 3 above, I have had regard to the following matters:

1. EE was convicted of 4 serious offences of corrupt or other improper exercise of police powers and privileges, contrary to s.26 Criminal Justice and Courts Act 2015.
2. The offences are likely to lead to serious loss of confidence and trust in the police service and in particular West Midlands Police.
3. The offences involved 4 separate women, all of whom were vulnerable individuals as a consequence of mental ill health and/or having been victims of domestic abuse.
4. The offences represented serial corrupt or other improper exercise of police powers and privileges during a period of over 2 years between 20 September 2016 and 15 November 2018.
5. EE was sentenced to a term of 18 months imprisonment, to be served with immediate effect.
6. The trial Judge, HHJ Kershaw, in his sentencing remarks commented, amongst other matters, that EE's behaviour was: "...akin to a sexual predator in uniform." It amounted

to "...abusing your position." The behaviour was "...akin to grooming...". EE knew that the victims "...were vulnerable..." and he "...used his position." "He is a careful predator."

7. The Chief Constable at the Special Case Hearing commented, amongst other matters, that cases in which police officers engage in activity that involves exploitation of others, because of their position of power and role is one of "...considerable public concern." "The public should expect a high level of trust from the police and should feel at times where they are hugely vulnerable, that trust will not be exploited, which is what happened in this case. As a result, I find the case to be one of considerable seriousness and with an aggravating factor because of the involvement of a vulnerable person."
8. All 4 of EE's victims filed Victim Impact Statements that included, amongst other matters the following comments: "He made me vulnerable in my home..." "I will never be as trusting as I once was of any man; especially police men." "This matter has caused me endless worry." "He used his position to have sex with me." He "knew about my mental health issues and vulnerabilities – he used this information against me." "I told him all of my personal issues and he used them against me for his own self-gratification." "If I cannot trust a police man, I cannot trust anyone." "I would describe it as being groomed." "I felt used, embarrassed, sad, taken advantage of." "...it has made me not trust male police officers."
9. EE was an experienced police officer at the time the offences were committed. At the time of the offences he had served between 11 and 13 years. As far as EE's conduct is concerned in relation to the investigation, it is noted that he praised one of the victims, by calling her a "good girl" for having contacted him to advise that the police had contacted her to ask about the relationship between the two of them. In each of the 4 cases, EE had then deleted contacts when he was informed by that victim of police interest prior to his arrest. I have no doubt that this was done with the intention of frustrating any subsequent investigation. EE does not appear to have pleaded guilty at the earliest opportunity because he did not receive the one third reduction in sentence that he would then have been entitled to, but rather a 20% reduction.
10. He minimised his culpability. This is illustrated by his comment that he had "...overstepped the mark..." The reality is that he had committed a serious criminal offence that involved a grave breach of trust by a police officer. EE appears to have cared little for the welfare of his victims, had no insight into the impact that his criminal behaviour had on his victims and has demonstrated no remorse for his behaviour. It is also noted that when EE had an opportunity to make representations to me as part of the pension forfeiture process he made no reference at all to any sense of remorse for the impact that his behaviour had on his victims.

Mitigation

I have considered the mitigating circumstances that relate either to EE himself or to the offence. These include mitigating factors referred to in the Sentencing Remarks of HHJ Kershaw at the Court Hearing on 11 January 2021, those put forward by EE himself, as set out in his letter to the West Midlands Police and Crime Commissioner dated 14 September 2021, written and submitted as part of the Pension Forfeiture process and any other mitigating factors that are apparent on the information that is before me, that include the following:

1. Prior to his offending he had been a man of good character and who served as a Police Officer.

2. He appears to have entered a guilty plea prior to trial, therefore avoiding the need for the 4 victims to have to attend a trial in order to give evidence.
3. He has 2 children, and if his pension was forfeited, he would find it hard to fulfil all of his financial obligations with regards to them. However, it is noted that by the time he would be entitled to his deferred pension on 1 May 2035, his youngest child would by then be about 18 years old.

The Decision

For the reasons set out above and having regard to all of the circumstances, I have determined that the pension should be forfeited. I am satisfied that maintenance of public confidence in the integrity of the police is a legitimate and important matter of public interest, which for the general public good justifies overriding the rights of the individual under Article 1, Protocol 1.

That forfeiture will be at 40%. The forfeiture will be permanent.

Dated 31 January 2022

Simon Foster

West Midlands Police and Crime Commissioner