

Police and Crime Commissioner for Surrey – Decision Making Record

Title: Pension Forfeiture: Former Chief Inspector Tanya Brookes
Decision number: 071/2014
Author and Job Role: Johanna Burne, Chief Executive
Protective Marking: Part One

Executive Summary:

In certain circumstances, the PCC can forfeit a percentage of a police officer's pension up to a maximum of 65%. These circumstances are:

- Treason
- Offences under the Official Secrets Act
- Cases where an offence has been committed in connection with a person's service as a member of the police force which is certified by the secretary of state to be particularly serious

In January 2014, the Commissioner made a preliminary decision to apply for a certificate of pension forfeiture in the case of former Surrey Chief Inspector Tanya Brookes. Following conviction at court for 33 separate offences of fraud leading to a sentence of 27 months imprisonment in May 2014, the PCC applied to the Home Secretary for certificate of forfeiture of a percentage pension.

A certificate was issued by the Secretary of State in July 2014 which allowed the Commissioner to take a decision on the level and extent of any pension forfeiture, having considered the circumstances of the case and any representations submitted by Mrs Brookes.

Since the PCC applied for the certificate, the Court of Appeal heard an appeal against the sentence given to Mrs Brookes for her offences. The Court of Appeal found that her sentence should be reduced to 18 months, concluding that a deterrent element had been added in the initial sentencing due to her role as a police officer and that the deterrent element was 'not required or appropriate'. The appeal also heard evidence with regard to Mrs Brookes' medical condition and her family circumstances.

Recommendation

The PCC, Deputy PCC, Assistant PCC Shiraz Mirza and the Office of the PCC Chief Executive Johanna Burne met on 3 September to consider all of the information provided by Surrey Police and Tanya Brookes with regard to pension forfeiture.

Taking all relevant circumstances into account, including offences committed, sentencing, medical background and previous service, the Commissioner has concluded that he will not proceed with a permanent forfeiture reduction of Mrs

Brookes' pension. Mrs Brookes will only receive a police pension for the years for which she has served as a police officer.

Both Mrs Brookes and the Home Office have been advised of the outcome of this case and of the Commissioner's detailed rationale.

Police and Crime Commissioner Approval

I approve the recommendation(s):

Recommendation

Police and Crime Commissioner Approval

I approve the recommendation(s):

Signature: 

Date: 15/09/2014

All decisions must be added to the decision register.

Areas of consideration

Consultation

In accordance with Home Office guidance, Mrs Brookes was invited to make a submission to the Commissioner to inform his decision. Surrey Police were invited to make representation with regard to the original offences and in response to representations for Mrs Brookes.

Financial implications

There are no immediate financial implications for the Commissioner.

Legal

Legal advice has been sought from the Force solicitor.

Risks

None arising.

Equality and diversity

None arising.