

Police Pension Forfeiture decision: Mr Wahid Husman

Tuesday 15 January 2019, 11am

Present

Thomas McNeill (representing Police and Crime Commissioner)

Jonathan Jardine (Chief Executive)

Darlene Waithe (Legal Adviser to the Police and Crime Commissioner)

Notes taken by Andrea Gabbitas, Head of Business Services, OPCC

1. JJ opened the meeting and referred to the Forfeiture Policy which has been used to determine this process. JJ is representing the office of the OPCC and in that capacity will summarise the cases and the process to be followed. AG will provide assistance on any pension queries that may arise, and DW will act as legal adviser. TM is acting on behalf of the PCC, and will make a recommendation to the PCC based on the outcomes of this meeting. If a decision is made to forfeit, a number of parties will then be notified in accordance with the policy, and there is a right of appeal.
2. JJ made the following points:
 - A meeting of the Pension Forfeiture Advisory Group was held in 2018 and as a result an application was made to the Home Office for permission to proceed with consideration of forfeiture of pension in this case. A certificate was received from the Home Office on 24 September.
 - On 16 October, in compliance with the Policy Mr Husman was notified of this meeting, his right to attend or have his representative attend the meeting. A further reminder was sent on 11 December. A letter of mitigation was received from Mr Husman on 9 January. Whilst this was after the deadline, it will be taken into account during this meeting and the decision making.
 - Details of the offences are contained in the pack of documents received. It is clear the offences were committed in relation to his service as a police officer. Mr Husman served in neighbourhood policing and counter terrorism before returning to Force CID. He was found guilty of conspiracy to steal, possess, and supply Class A drugs. He was also convicted of further accounts of conspiracy to conduct misconduct in public office. These offences relate to accessing police computers and supplying information to people involved in the illegal drugs trade. He was sentenced to 16 years but received a discount because he pleaded guilty at the start of the trial.
 - It is clear that Mr Husman conspired with another police officer, and also conspired with other parties. Given the nature of the offences it is clear there was a betrayal of public trust and there was an attempt to achieve personal financial gain. With these factors in mind JJ is satisfied that there is a case for forfeiture, it should take place and should be of a high level. This case is exceptional in the form of criminality that is evident. It was not opportunistic – it was carefully planned and involved access to force systems. Had the plan reached fruition it would have been extraordinarily risky to all those involved and also to the public had it resulted in a confrontation with the drug dealers.

- Mitigations: we do not have evidence either way of good conduct in service. Mr Husman served as a police constable for 19 years. He was a relatively junior officer. [REDACTED]
- Both officers in this case are known to have moved from facilitating crime to actively committing crime.

[REDACTED] DW added that whilst we must have regard to the pension regulations, there is a wider statutory framework, and this might be used in any appeal. The Human Rights Act means that there is a right not to be subjected to inhumane or degrading treatment, and the dependants may raise this. [REDACTED]

4. [REDACTED]

5. A maximum of 65% of the total eligible pension may be forfeited.

6. TM summarised the matters he has taken into account in reaching his decision:

- The offending was in connection to his role as a police officer, and it is clear the offence is very serious and could undermine public confidence in the way police tackle the illegal drug trade, and undermine people's confidence in providing information to the police.
- The offence involved potentially involved very serious, life-ruining drugs including crack cocaine and heroin. He conspired to steal, possess and supply Class A drugs. These drugs may lead to death and hardship. Based on the sentencing remarks, the court viewed these offences as being very serious, and involving life-ruining drugs. There is evidence that he received money and drugs, and there is evidence that the offending goes back to at least 2001.
- Mr Husman had 19 years' service as a police constable. The seniority is relevant because a more senior rank may have resulted in a greater loss of public confidence.
- There was conspiracy between police officers, and there was conspiracy with active criminals.
- There was no specific offence of perverting the course of justice.
- There was a betrayal of public trust with a view to gain.
- We are not aware that there was corruption of a junior officer. The two officers in the case were co-conspirators.
- The public would be concerned about the abuse of position.
- A letter of mitigation was submitted [REDACTED]

- The letter of mitigation also states that Mr Husman is ashamed of his actions and the damage caused to the reputation of the police.
- Mr Husman pleaded guilty at the beginning of his trial.

- He had 19 years' service, but we have no evidence of whether it was particularly good service, or not.
 - The decision does not take into account any offences not put before us.
 - Satisfied that there should be a forfeiture.
 - No reason has been presented to suggest a deferred or temporary forfeiture.
 - The pension forfeiture amount should impact on any person who receives it, although this matter will be taken into consideration in deciding the forfeiture percentage.
 - The effective date of the forfeiture should be the date of this meeting, 15 January 2019.
 - Confident that the facts have been presented fairly and accurately.
 - The crime does not involve violence or sexual assault and therefore is not the most serious crime that could exist. There is evidence of long term offending by accessing information on police systems, and also that there were deliberate attempts to conceal his activities. These are distinguishing and aggravating factors.
 - Mr Husman has already received a long prison sentence and this will go some way to improving public confidence. With all these factors in mind, it is recommended that the pension be forfeited by 30%.
7. TM invited those present to offer any other comments in relation to this proposed level of forfeiture.
 8. JJ emphasised that the officers were not merely involved in this crime as part of their being police officers, it was also the fact that they were actually on duty during the time the crimes were committed.
 9. The recommendation from this meeting will be presented to the Police and Crime Commissioner and a formal decision shall then be made.

The meeting closed at 12.15pm.

