

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

**NON-CONFIDENTIAL  
NOTICE OF DECISION  
[031/2023]**

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**Title: Pension Forfeiture**

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**EXECUTIVE SUMMARY**

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

**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 25%. The forfeiture will be permanent.

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**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.....11 December 2023.....

## **INTRODUCTION AND 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 12 May 2003 and 14 October 2021 (18 years and 5 months service), James Ankrett (“JA”) (date of birth: 10/10/1980) served as a police officer in the West Midlands Police.

### **Chronology**

12/05/03: Commenced service as Police Constable with WMP

14/09/21: Pleaded guilty to 1 offence of corruption/improper exercise of power

10/10/21: Sentenced to a term of 5 months imprisonment

14/10/21: Special Case Hearing held by Chief Constable

14/10/21: Dismissed with immediate effect whilst suspended

09/02/22: 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 14 September 2021, JA pleaded guilty to and was convicted of 1 offence of corrupt or other improper exercise of police powers and privileges, contrary to s.26 Criminal Justice and Courts Act 2015. The offence took place between 7 July 2017 and 27 September 2017.

The offence related to one woman, involving circumstances in which JA had taken advantage of his position as a Police Officer in West Midlands Police, to pursue an improper relationship for sexual gain.

On 10 October 2021, JA was sentenced to a term of 5 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.

JA has been convicted of an offence 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 JA has been convicted of an offence, in connection with his service as a member of West Midlands Police.

On 9 February 2022, 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 offence is 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. JA was convicted of a serious offence of corrupt or other improper exercise of police powers and privileges, contrary to s.26 Criminal Justice and Courts Act 2015.
2. The offence represented corrupt or other improper exercise of police powers and privileges during a period of 3 months between 7 July 2017 and 27 September 2017.
3. JA was sentenced to a term of 5 months imprisonment, to be served with immediate effect.
4. The trial Judge, Recorder Christopher Millington QC, in his sentencing remarks commented, amongst other matters, that: "all behaviour was consensual and very quickly became sexualised. [REDACTED] was a vulnerable individual at the time and placed her trust in PC Ankrett because he was a police officer. PC Ankrett shared his mobile phone number with the intention of pursuing an inappropriate relationship. PC Ankrett admitted and accepted that what he had done was wrong. However, a sufficient punishment was 'important to deter other police officer's pursuing a similar course of action and that the public trust and confidence must be protected by showing significant punishment is given'."
5. The Chief Constable at the Special Case Hearing commented, amongst other matters, that:

"The officer is convicted of a very serious criminal offence concerning the corrupt and improper use of police powers and privileges. The College of Policing Guidelines are very

clear it is unacceptable for police officers to break the law that they are asked to uphold. I whole heartedly support this. This is an extremely serious breach.

There is considerable harm in this case. The victim has placed considerable trust in an officer at a very difficult moment in her life. There is no doubt that the officer was exploiting this vulnerability in order to create an opportunity for a sexual relationship with her. This is totally unacceptable and directly harms public confidence.

Many people come into contact with the police at a vulnerable time in their lives and they are entitled to be treated professionally. Victims are entitled to feel that the support, help and friendship offered by officers is unconditional. It is the hand of friendship of society and our service and is never be motivated by ulterior motives. This was clearly not what happened in this case.

This behaviour is a matter of deep public concern at this time. The issue of Violence Against Women and Girls requires the police to act as champions for the fair treatment of women. Public trust is undermined when officers behave as this officer has.

In this case there are clear aggravating factors. There was a malign intent in how this relationship was developed. The clear abuse of trust of a victim, regular repeated behaviour, the fact the victim was vulnerable and the impact this has had on her. There are no mitigating factors.

Officers like this have no place in West Midlands Police. They are abhorrence to the men and women who make up this organisation who go out day in day out to protect the most vulnerable. They damage our standing and professional reputation. We will route them out and not only dismiss them but actively seek prosecutions when criminal laws have been broken as in this case.

There can only be one outcome suitable in this case. The officer is dismissed without notice.”

6. The victim filed a Victim Impact Statements that included, amongst other matters the following comments: In her victim impact statement, the victim said that she felt as if Ankrett had “preyed” on her and that he wanted something more when she wanted a “friend”. She described the experience as “degrading” and that she felt “so very vulnerable” at the time but had since bounced back and was mentally strong.
7. JA was an experienced police officer at the time the offences were committed. At the time of the offences he had served 14 years and 2 months. JA committed a serious criminal offence that involved a grave breach of trust by a police officer.
8. It is noted that when JA had an opportunity to make representations as part of the pension forfeiture process, he did not take the opportunity to express any sense of remorse for the impact that his behaviour had on his victim. Conversely, he refers to his own loss of reputation.
9. The offence is likely to lead to serious loss of confidence and trust in the police service and in particular West Midlands Police. The offence involved one woman, who was a vulnerable individual, as a consequence of having been a victim of domestic abuse. It was the victim who ended the relationship and not JA.

10. The National Police Chief Council (NPCC) Guidance 2017 states, "In abuse of position cases such as these, a member of the public does not have to be vulnerable for the definition of abuse of position for a sexual purpose to be made out. However, the vulnerability of the victim may be seen as an aggravating factor. Vulnerability may arise out of the citizen's age, mental health, abuse of alcohol or drugs or their circumstances at a particular time, for example reporting a domestic abuse incident..."
11. An officer should therefore, consider anyone reporting a domestic abuse incident to be potentially vulnerable.
12. The impact of JA's criminal conduct, is that victims of domestic abuse might well be less willing to seek police assistance, on the grounds that they fear being attended by an officer like JA, who abuses their position for sexual purposes and who compounds the harm and risk the victim has experienced as a victim of domestic abuse, by committing further criminal offences. This seriously undermines trust and confidence in the police service.

### **Mitigation**

I have considered the mitigating circumstances that relate either to JA himself or to the offence. These include mitigating factors referred to in the Sentencing Remarks of Recorder Christopher Millington QC at the Court Hearing on 10 October 2021; the Submissions of Mr Ankrett dated 24 August 2022; and any other mitigating factors that are apparent on the information that is before me.

They include the following:

1. Prior to his offending, JA had been a man of good character and who served as a Police Officer for 18 years and 5 months, including 12 awards/commendations between 2004 and 2008.
2. He appears to have entered a guilty plea prior to trial, therefore avoiding the need for the victim to have to attend a trial in order to give evidence.
3. The Basis of Plea; he was not aware the victim was bi-polar and had not appreciated the extent of her vulnerability; JA's personal circumstances; the term of imprisonment already served by JA; the case law referred to; the potential impact on JA's wife; and the character references.
4. JA has 2 dependents under the age of 5 years old. However, it is noted that the 1987 pension is payable at age 60 and the 2015 Scheme is payable at age 68. Accordingly, it would appear that his 2 children would by then be over the age of 18 years and therefore adults.

### **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 in part.

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 25%. The forfeiture will be permanent.

Dated 11 December 2023

Simon Foster

West Midlands Police and Crime Commissioner