

Cop jailed in child-sex case gets chance to fight for his public pension

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2009 Cop pedophile Tyrone Wiggins

A Commonwealth Court ruling issued Wednesday gives a former police officer who was sent to prison on a child-sex conviction a chance to try to save his publicly-paid pension.

A panel of the state court found that Philadelphia's Board of Pensions didn't give ex-cop Tyrone Wiggins an adequate chance to challenge its decision to deny him a pension. So it sent the case back to the city board for further consideration.

That board voted to pull Wiggins' pension after he was found guilty of molesting a girl who was a student of a karate class he taught while off-duty. Investigators said the sexual encounters began in 1997, when the girl was 12, and continued for more than eight years until the victim reported the abuse.

Wiggins, now 55, is serving a 17 1/2- to 35-year sentence in the state prison at Mahanoy on his convictions for multiple sex crimes. He denied the sex abuse claims.

The decorated 23-year veteran resigned from the city police in November 2009 and began collecting a \$3,005-a-month pension immediately before being arrested in the child-sex case. He was convicted a year later, and in November 2011 the pension board notified him it was cutting off his benefits.

The problem, Judge Mary Hannah Leavitt wrote in the Commonwealth Court ruling, is that the pension board notice didn't give Wiggins enough information to allow him to challenge the pension-pulling decision. That violated Wiggins' right to due process of law, she wrote.

Wiggins also argued in his appeal to the state court that he remains eligible for a city pension because the crimes of which he was convicted are not listed in Philadelphia's pension statute as grounds for denying pension benefits.

He contends as well that a reason the pension board belatedly put forth for the pension denial, that he had committed "malfeasance in office and employment," is invalid because his supposed sex crimes did not involve his job as a cop.

Levitt wrote that Wiggins, who joined the Philly police force in 1986, first had sex with the girl in early 1997. He took the girl and her brother to the 39th District Police Headquarters, where he was stationed, told the boy to use the weight room, then drove the girl to Fairmont Park where they had a sexual encounter, the judge wrote.

In subsequent years, Wiggins had sex with the girl at his home, in his van and at her home and in hotel rooms. At times, the two got into physical altercations, but when police arrived, Wiggins would flash his badge and avoid an investigation, Levitt wrote.

When she became an adult, Wiggins first tried to get the victim a job with the city police, then undermined her employment bid when she tried to end their relationship. She finally told authorities about the sexual abuse in 2006 after Wiggins choked her outside a hospital where she was working as a security guard, according to court filings.

On the pension dispute, Leavitt noted that neither the state's nor the city's pension statutes specifically list Wiggins' conviction among the crimes that automatically require benefit forfeitures. The crimes that trigger forfeitures under those regulations include such offenses as theft, bribery, forgery, perjury and tampering with public records, she observed.

She cited a section of Philly's pension law that allows for pension forfeitures for convictions that require sex offender registration, but only if those crimes occurred in connection with the person's public employment.

"It is true that Wiggins' convictions are undisputed," Leavitt wrote. "However, what is lacking is a factual record that connects Wiggins' criminal conduct to 'malfeasance in office or employment'."

In sending the dispute back to the pension board, Leavitt said that panel must inform Wiggins of the charges against him and the sections of law it is citing, and specify what conduct he supposedly engaged in during the course of his city employment that merits a pension denial.