

Message

From: Brian Altman [GRO]
Sent: 24/09/2013 11:30:23
To: Matthews, Gavin [GRO]
Subject: POL

Dear Gavin,

I have reviewed both terms of reference, for which I thank you.

As I understand it, I am required to produce my written review on **past/pending prosecutions** etc by 15 October (or failing that a date to be agreed) and to meet the Audit Committee/Board (1) to report in general terms about that review at the first available opportunity and (2) at all events no later than 15 October about the efficacy of past prosecutions etc (rather than the "safety of past convictions").

I am required to report to the Board my views about **POL's prosecution function** by 31 October. I assume that my written review is required also by then although no date is written into the ToR.

I am reasonably confident that both dates are achievable. If for any reason they are not, I will inform you immediately it becomes obvious to me.

However, there are items outstanding which I need to see. I recall asking about the following in our meeting:

1. The spreadsheet that I advised be compiled at para 24(i) of my interim review of 2/8/13. As I recall it CK said in conference that such a document was already in being and needed some refinement before sending it to me. It may be helpful if a schedule of sifted cases as against fully reviewed cases is compiled as not only I will be interested to see how many have gone up for full review but also do not wish to be unsighted by the detail of the cases that have not passed the initial sift. In so far as the sifted cases are concerned I'd be looking for an idea of why the case was refused a review, and what if any the issue in the case had been or appeared to be. I note the conference note refers to the "master schedule" which I think was CK's term for what they had done thus far.
2. CK were to provide me with the final 3 full reviews I was missing from my papers (referred to in the conference note). I would add that if the number has since increased then I would want any outstanding reviews which I have not seen hitherto. I'd also like any idea of how many more full reviews there are/may be so that it can be determined that at the date of my written review I have considered a "statistically significant" number where HOL was at issue.
3. There was to be a reconciliation between the Second Sight reviews and CK's reviews (mentioned in the conference note).
4. I think I had also mentioned the civil litigation side and I wanted to be clear whether there was any sharing of information about what had been going on there. Are there any civil cases arising from HOL or has that stalled in light of what I was told about Shoosmiths' inaction?
5. Roderic was going to see if there was any material of an historical nature which would explain RMG/POL prosecution history. I did find an unattributed document on the net about this but it is unsourced and so I am unclear how much reliance I can afford it.
6. Also I recall asking whether POL had any statistics or management records (not merely financial) of its prosecution function i.e. numbers covered annually etc.

You'll recall also following my Horizon training last week that I had asked Andy Holt to see if he could get me any policy or guidance documents POL may have on the recruitment process for SPMRs, also about the HOL training regime which has a number of phases and elements to it, and any HOL training manual/guidance notes and such like.

Regarding the conference note, it accords with my recollection, except in the case of a couple of the matters listed above (points 5 and 6 in particular) which I believe were raised/discussed at or close to the very end after the departure of all but you, Andy, Roderic and me.

As to the final paragraph of the draft conference note, I did advise that CK needed to rethink the terms of the letter they are sending out by adding that POL was disclosing that which *may* cast doubt on the safety of a conviction. I cannot now recall what it was I said about the Ishaq case or letter in particular.

I also recall advising:

1. There was no positive duty to seek out individuals pre-1/1/10 but if POL was approached it would need to make case-specific decisions on disclosure.
2. About the need for POL/CK to take control over what SS was disclosing in mediation process.
3. CK would have to review its stance on taking opposition to the grant of permission to appeal or to a substantive appeal depending on the changing landscape.

For the sake of completeness, CK has, as you know, send me the draft protocol for my consideration which I emailed you about this morning.

Finally, I have not identified anyone else I would like to hear from for the purpose of my reviews. It is likely that once I start drilling down more that may change and if I need to speak to people, I shall let you know.

Best wishes,

Brian

Brian Altman Q.C.



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