
From: Matthews, Gavin [GRO]
Sent: Mon 07/07/2014 2:06:51 PM (UTC)
To: Brian Altman [GRO]
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Hi Brian

I suspect (though I do not know) that Chris/Angela and John have not inputted into the document which will have come exclusively from CK. I also doubt that Jarnail explained to them about Chris' views.

I think that Chris will be happy for you to consider further changes based on CK's comments provided that the policy doesn't go back to being mechanistic (I don't see a risk of this).

My view is that to ensure we get sign off from everyone, once we get your comments and amends we have a final conference with you and all the relevant people at POL (this can include CK). Otherwise I don't think Chris will give it much thought.

Do you agree?

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

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From: Brian Altman [GRO]
Sent: 04 July 2014 17:02
To: Matthews, Gavin
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Don't worry. It's an occupational hazard!

I've just taken a few minutes to skip through the email and attachment out of curiosity. I see that the comments are all CK's and have been sent up the line by Jarnail, though Chris is copied in.

Bearing in mind I effectively trashed CK's "mechanistic" effort (which I had been comfortable with) given our con with Chris I am slightly concerned about any push back from the "real world" version I deliberately drafted. Also I am unclear if CK were privy to Chris's views and have therefore been piqued by the version I've produced in place of theirs.

I thought I'd get this preliminary email out to you asap as I think I/we will need some steer. Is Chris do you think happy for me to consider and if need be insert further changes based on CK's comments?
Has there been any input to document that you know about from Chris or Angela who attended our meeting at More Place, or for that matter from John (HoS)?
Regards
Brian

From: Matthews, Gavin [GRO]
Sent: 04 July 2014 15:33
To: Brian Altman
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Brian

Sorry to hear that. I will find out and let you know.

Have a great weekend.

Regards

Gavin

Gavin Matthews

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From: Brian Altman [GRO]
Sent: 04 July 2014 13:35
To: Matthews, Gavin
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Gavin

Thanks.

I wish I could be enjoying the sunshine but I'm not! I will need some time on this I am afraid as I am embarking on a heavy duty case on Monday and am spending all my time on this right now and may be doing so for the next 2 weeks or so. That said, I'll get to this as soon as I can.

What kind of turnaround does POL want on this?

Brian

From: Matthews, Gavin [GRO]
Sent: 04 July 2014 13:19
To: Brian Altman
Subject: FW: Draft Prosecution Policy [BD-4A.FID20472253]

Brian

I hope all is well with you and you are enjoying the sunshine.

Please find attached and below an email from Jarnail attaching CK comments on the draft prosecution policy.

I'm not sure of the best way forward. I suspect if you could respond to CK's comments that would be a good start. If there are differences of approach we could pick them up in a telephone conference later on.

Kind regards

Gavin

Gavin Matthews

Partner

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From: Jarnail Singh [GRO]
Sent: 01 July 2014 10:22
To: Matthews, Gavin
Cc: Chris Aujard; Jessica Madron
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Gavin

Please find attached CK counsel Simon Clarkes comments and suggested amendments in relation to the BAQC draft Prosecution Policy.

Kind regards,

Jarnail Singh | Criminal Lawyer



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From: Jarnail Singh

Sent: 02 June 2014 11:39

To: Matthews, Gavin (GRO)

Cc: Chris Aujard; Jessica Madron

Subject: FW: Draft Prosecution Policy [BD-4A.FID20472253]

Gavin

I have received the draft prosecution policy drafted by BAQC.

It appears to give POL complete discretion as to how proceed in any prosecution case. However it also appears to be little vague for that reason. It contains less detail then the draft prepared by CK. May I suggest I forward it to CK for their views as they will ultimately be advising and prosecuting in accordance with the POL prosecution policy .

Regards

Jarnail.

Jarnail Singh | Criminal Lawyer



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From: Matthews, Gavin [GRO]
Sent: 23 May 2014 14:52
To: Jarnail Singh
Cc: Chris Aujard
Subject: Draft Prosecution Policy [BD-4A.FID20472253]

Jarnail

Please find attached Brian Altman QC's first draft prosecution policy for your review.

I set out below his comments to me which need some thought and input from POL.

1. In light of our discussions with Chris, particularly his perfectly understandable wish for a "real world" rather than mechanistic, legalistic type policy document, I have (as we discussed some days ago) gone for a far more (I hope) user-friendly document than that originally drafted by CK. Indeed, it (and the title which I have readily adopted) takes the emphasis off criminal prosecution and focuses on the means of enforcement which may (but not inevitably) include prosecution. In my view this fits POL's requirements.
2. While the Beachcroft example was good I felt it far too wordy and over-inclusive for what is required and it incorporated too much unnecessary information.
3. If the policy is to be published then it needs to inform as well as be JR proof. Essentially the attached describes (1) to whom it applies (2) the underlying need for POL enforcement action (3) the options available to it (4) when non-criminal action might be deployed (5) the basic principles of criminal enforcement (incorporating by reference the CPS Code and defining the 2 stage test) (6) when criminal enforcement will be deployed (7) who makes the decision (8) the recovery of money and (9) review.

In particular:

1. At para 1.4.1 I hope I have accurately described (and may be permitted to describe) the BIP which Angela and Chris agreed is designed to identify problems and direct intervention.
2. At para 4.3 and 7.3 to 7.4 I have written in a very wide ambit of discretion for POL decision-makers but have emphasised the 'Option B' factors/approach approved by the Board without being prescriptive about any one factor and without including any cut-off financial figure (as we all agreed).
3. At para 4.4 have added in the 'safeguard' I was asked for. I have left it broad enough not to tie POL's hands about other enforcement options.
4. Section 5 (based inevitably on the Beachcroft document which Jarnail tells us was written on instructions) I have simplified.
5. As for section 8, I have done what I can on current instructions. I have left it deliberately simple. It may be that the team names are wrong. If so they can easily be corrected.

At para 8.2 I thought that the Head of Security would be more likely to have the power to disagree with the POLCT senior lawyer than an investigation officer (as was Jarnail's suggestion in the email last week). Again if this is wrong then it can be changed. Either way the decision tree set out in the Security Team's policy document (referred to at para 8.4 and footnote 3) and the decision making hierarchy in the text of that document will require revision according to any new decision tree

Can I suggest that once you have reviewed it we meet up to go through any comments you have before finalising the document.

Kind regards

Gavin

Gavin Matthews

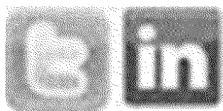
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