POL00169034

RE: POST OFFICE LTD AND THE ROYAL MAIL GROUP LTD

THE CARTWRIGHT KING REVIEW

OBSERVATIONS AND ANALYSIS OF THE CARTWRIGHT KING PROSECUTION REVIEW PROCESS

Relating to duties of disclosure in Criminal Prosecutions

The Second Sight Interim Report

1. Following a sustained campaign by disgruntled present and former postmasters, sub-postmasters and Post Office employees, Second Sight Support Services Ltd were appointed to carry out a review into alleged problems with the Horizon accounting system.

2. Second Sight Support Services Ltd issued their interim report on the 8th July 2013.

3. Cartwright King conducted a review of 308 Royal Mail Group and Post Office Ltd cases which concluded on 26th November 2013. It became apparent during the course of the Review that there were more cases that had not been seen and a second review process was commissioned to deal with these cases.

4. In this second phase of the Review, Cartwright King dealt with another 237 Post Office Ltd and Royal Mail Group cases. The scope of the review, the source of the files reviewed and the file review system remained as set out in the Cartwright King document entitled "Observations and Analysis of the Cartwright King Prosecution Review Process" dated 5th December 2013. We will not repeat them here.

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5. The only difference in this second phase is that we dealt with no cases outwith the jurisdiction of England and Wales. We have, however, continued to liaise with POL's agents in Scotland and Northern Ireland to enable them to liaise with the prosecuting agencies in those jurisdictions. We have liaised with the Crown Prosecution Service in England and Wales to enable appropriate disclosure decisions to be taken in cases not prosecuted by POL.

6. This Review was completed on the 9th September 2014.

Statistics

7. The statistics below reflect the results of the Initial Cartwright King Review.

	Initial Sifts	**Second Sifts**	**Full Reviews**	**Disclosure Advised**
England & Wales	289	229[1]	53	26
Scotland	19	0[2]	N/A[3]	N/A[4]
TOTAL	**308**[5]	**229**	**53**	**26**

8. The statistics below reflect a snapshot of the Second Cartwright King Review.[6]

	Initial Sifts	**Second Sifts**	**Full Reviews**	**Disclosure Advised**
England & Wales	225[7]	196[8]	30[9]	10
TOTAL	**225**	**196**	**30**	**10**

General Caveats

[1] Cases pre-charge have usually been dealt with by way of charging advice. Those cases advised for Full Review in the Initial Sift were not resifted
[2] Scottish cases were reviewed by Cartwright King lawyers in conjunction with lawyers from BTO solicitors on 4th September 2013.
[3] This process is reserved to the Procurator Fiscal.
[4] See above.
[5] Some defendants involved in multi-handed cases were sift reviewed individually and others by the case. We have consolidated these figures into reviews by case rather than review by defendant.
[6] We are aware that there may be further cases that we have not seen. Additional papers may be forthcoming in cases that we have already reviewed and cases may be passported into a Full Review from the mediation scheme.
[7] A total of 238 files were considered in this second file review process in 7 cases there were insufficient papers to carry out an initial sift, 3 new cases were dealt with by charging reviews and 1 case related to a mediation applicant which was passported to a Full Review.
[8] There were 3 cases where no further review was required as these were cases that had been sifted in the earlier review process where papers had come to light during this process but which did not affect the earlier conclusions.

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9. The Second Review conducted by Messrs Cartwright King is complete subject to a number of limited qualifications as set out below.

   a. Files not seen

   The Mediation Scheme contains a number of applicants who have been subject to Criminal Prosecution whose files we have not seen as their cases pre dated the 2010 cut off date for these reviews.

   b. Files damaged, destroyed or incomplete

   A number of the Files received from Royal Mail Group Ltd archives were incomplete. In several cases crucial documents were missing and in others there were almost no papers. In the majority of cases this was sufficient for an Initial Sifter to establish that the case fell outwith the ambit of the Review either by date or subject (e.g. a postman delaying mail) but in a small number we were deprived of the papers dealing with the Crown Court proceedings and the relevant correspondence and pleadings such as to enable a proper Review.

   c. Wednesday morning conference calls.

   This has proved a useful tool in identifying issues and material that might have a bearing on disclosure.

10. In future this material will be made available to the Horizon Expert, who has yet to be instructed, so that he can confidently state that he is abreast of the current state of the Horizon System.

Conclusion

11. This has been a thorough in-depth Review of over two hundred and thirty cases. Some of these cases have been reviewed by three separate solicitors and barristers. Disclosure has been recommended in 10 cases. This will be dealt with once Post Office Limited have confirmed their instructions. Of the cases that have been recommended for disclosure in the first review we have yet to hear of any application made to the Court of Appeal.