

FOS397B.TXT

From: Watt, Geri
Sent: 20 August 2013 11:23
To: Dow, Gary
Subject: FW: Post Office Fraud

Attachments: file note re GG13010308.pdf
Gary
Can you note the position re HM13003852
Geri

From: Heron, Lorna
Sent: 20 August 2013 10:35
To: Watt, Geri
Subject: RE: Post Office Fraud

Hi Geri

Sorry for the delay in this...

attached is a file note from Andy re case GG13010308 is currently in Gary Dow's tray awaiting marking.

Thanks

Lorna

From: Watt, Geri
Sent: 09 August 2013 15:03
To: Stewart, Katie (Procurator Fiscal, Initial Case Processing, West of Scotland); Heron, Lorna; Beaton, Paul
Subject: FW: Post Office Fraud

Paul - thanks for this. Can you advise of the mechanism for getting the additional statements? Are they to be provided automatically and if so will that be through you?

Thanks
Geri

Katie - for info.

Lorna - would you check the position re the 2 west cases - GG13010308 and HM13003852.

From: Beaton, Paul
Sent: 09 August 2013 14:34
To: McGowan, Stephen (Deputy Director of Serious Casework); Laing, Andrew (PF Summary - North); Watt, Geri; Richardson, Andrew (PF Summary for East of Scotland); Bryden, Catriona
Cc: Wallace, Gertie; Miele, Paul
Subject: Post Office Fraud

Good afternoon,

I have been contacted by BTO Solicitors who are acting on behalf of the Post Office and assisting them with submitting cases to COPFS. The Post Office also instruct solicitors down south (Cartwright King) who assist in the preparation of their cases, and who also prosecute the cases. They are currently conducting a review into cases submitted for potential prosecution across the UK for alleged frauds committed by Post Masters. I write to make you aware that there may be questions as to the accuracy of data held by the Post Office computer system- Horizon- which may affect the strength of cases submitted to us.

There appears to have been some concern in the media expressed about the Horizon computer system which is used to keep the financial records of the Post Office

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and that therefore it is possible that post masters are being prosecuted due to inaccurate data on that system which wrongly records shortfalls of cash. As a result of this information Cartwright King are reviewing all of the Post Office prosecutions, including those where there has been a conviction, to establish whether the Post Office should be disclosing this information to accused or convicted persons.

In the normal course such cases these are investigated and reported by the Post Office Investigator, I understand that there is only one in Scotland- Robert Daily. He is based in Glasgow and prepares cases for suspected offences on behalf of Post Office Ltd – he also liaises with Police Scotland in cases where they have taken the investigative lead. He interviews potential accused persons under caution, takes statements from witnesses and collates productions for submission to the Crown.

As a result of the review, BTO have provided the following brief spreadsheet on cases submitted to us for the last three years, fortunately there are not many. It appears that there are four live cases nationwide- Kirkwall, Kirkcaldy and Glasgow. Previous cases have been from across the country and are listed on the spreadsheet.

<< File: Scottish_Cases.xlsx >>

I requested further information on the live cases, particularly as to whether it could be said that the known computer issues play any part in the available evidence. So far- I have been provided the following:

Cases currently on summary complaint:

Kinghorn Post Office (KC13003720) – admissions at audit – accused had loaned the missing money to her brother to pay for a car. Has PNG – trial diet in October – represented by Amer Anwar. Statements/productions have not yet been requested by the Crown.

Evie Post Office (KW13000211) – admissions at audit and interview – accused used money to pay off an overdraft. Pleading Diet on 14 August 2013.

there is one case which has yet to be marked:

Gorbals Post Office (GG13010308) – the first accused denies all knowledge of the shortfall (El Kasaby). The second (Stewart) admits that she inflated scratch cards and cash to balance her books due to shortfalls showing on the system but denies taking money out of the branch. It could be suggested that the false accounting was carried out by accused Stewart to cover up loss caused by Horizon. It should be noted that where money is missing on the system and a sub-post master does not have the funds to pay it back, the shortfall can be 'accepted centrally', where the team at Chesterfield will arrange a re-payment plan – sub-post masters should not falsify their accounts under any circumstances.

They have submitted information for the last three years as it appears that is the time period during which there may have been computer errors affecting their system.

I am aware of two reports which have been prepared in England in connection with this issue. One of those, known as the Second Sight report is attached here:

<< File: Second_Sight_POL_Interim_Report.pdf >>

This document is freely available online at

http://www.nfsp.org.uk/uploads/pdfs/Horizon_Interim_Report_July2013.pdf. and is being disclosed by the solicitors in England to the defence in the cases.

According to BTO it could be argued that the Second Sight report undermines the Crown case in any of the Post Office prosecutions as it questions the integrity of the system calculating the shortfall, albeit to a fairly limited extent. I have made it clear to BTO that we need to be informed whether the issues associated with the system have in fact played any role in the investigation of the cases.

The second report, known as the Helen Rose report, is not available to the public. BTO state that as far as they are aware none of the pending or past cases involved witness evidence from the expert named in that report. I would doubt the evidential value of this document given what I consider an extreme

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difficulty in translating it into non-technical language, but they have recommended that it is considered by us.

<< File: HELEN_ROSE_REDACTED_REPORT_FOR_DISCLOSURE.pdf >>

I have clarified with BTO that we need to be provided with an additional statement in relation to each of the cases to deal with whether the issues identified in their computer systems affect the available evidence. I have been told that it may be that the investigator himself is unable to say whether there has been any such effect and have asked BTO to provide a statement from someone who can speak to the accuracy or otherwise of the system in relation to each of these cases. It would appear that at the moment, neither the solicitors in England, nor BTO, nor the investigator himself may be able to say whether the system faults played a specific role in a specific case. The approach in England appears to be to disclose the Second Sight report and see what the defence want to make of it. My position at the moment is that we should receive specific information on each case before deciding whether there is any impact. As some of the cases are ongoing, I wanted to make sure you were aware of the issue at this stage.

I will let you know as soon as I receive anything, in the meantime, I would be grateful if you could pass this to those involved in the preparation of any such cases and include the information, such as it is, in the consideration of how to proceed.

thanks, and have a good weekend,

Paul

Paul E Beaton
Policy Division
Crown Office
25 Chambers Street Edinburgh EH1 1LA
Direct Dial GRO
Email GRO