

Message

From: Laura Pinkney [REDACTED] **GRO**
Sent: 29/10/2014 11:36:03
To: Parsons, Andrew [REDACTED] **GRO**
CC: Tom Wechsler [REDACTED] **GRO** Belinda Crowe [REDACTED] **GRO**; Simon Clarke [REDACTED] **GRO**
Subject: RE: Prosecution Docs [BD-4A.FID20472253]
Attachments: image004.gif; image005.jpg; image006.jpg; image007.jpg

Hi Andy

Just a few clarifications:

Pre-Court

Interview transcripts are not disclosable at this stage. Defendants are entitled to copies of the recording but not to transcripts/summaries. The prosecution file would contain a transcript/full summary.

The examples in reference to 'remaining investigation material' would be privileged. In addition, the following would not be disclosable as either privileged or sensitive material: anything which indicates the investigative process adopted by POL, information sources, internal POL security personnel files, internal correspondence between investigators lawyers and security, audit processes and process documents (reasoning behind prosecution decisions).

Start of Court Proceedings

The SPMR is not sent anything other than the summons before the hearing. The Advanced Disclosure is provided at the first hearing. This usually contains a case summary, transcript/summary of interview and key witness statements/exhibits. As you say, if the case proceeds to a trial or to the Crown Court a full (paginated) bundle of evidence will need to be prepared.

End of Court Proceedings

Transcripts are very rarely obtained. The most common reason for obtaining a transcript would be for an appeal and then it is likely to be limited to only the parts of evidence/judgment relevant to any appeal.

I have discussed the matter with Simon and his concern is that if any contents of the prosecution file is given to SS, SS will be encouraged to second guess the foundation on which the conviction was founded which would be out of the scope of the mediation scheme and will also give rise to the potential dangers of appeal risks which we recently identified.

I think it would be beneficial for you to discuss this further with Simon, he is due back into the office at around 12.30pm today.

I trust this assists.

Kind regards

Laura

Laura Pinkney

GRO

Tel: **GRO**

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From: Parsons, Andrew [mailto:**GRO**]
Sent: 29 October 2014 10:42
To: Belinda Crowe
Cc: Tom Wechsler [**GRO**]; Laura Pinkney
Subject: Prosecution Docs [BD-4A.FID20472253]

Belinda

I've spoken to Laura at CK about what documents we should expect to see in a prosecution / prosecution file. Below is a short summary of the documents that may exist.

Laura – if I've got any of this wrong, please say!

Pre-Court proceedings

- Disclosable material will probably be limited to interview transcripts.
- The remaining investigation material (eg. internal reports, investigation notes; advices on charging, etc.) are likely to be privileged.
- As always however there is a degree of grey in what is privileged and what is not.

Start of Court proceedings:

- The SPMR will be sent a Summons setting out the Charges against them – this will contain little detail of the factual background.
- Before the first Court hearing, the SPMR will be sent a short case summary, a summary of any interviews or interview transcripts and maybe but not usually some basic witness statements. This information is to show that there is a "case to answer" and is relatively limited in scope.
- At the first hearing, the SPMR can plead guilty in which case no further documentation will be produced / disclosed (see below).
- If the SPMR pleads not guilty then a full Court process will follow. More detailed documents and statement may be produced but this is entirely dependent on the nature of the case and how far the case progresses.

End of Court proceedings:

- No written judgments are given (either where the SPMR pleads guilty or where there is a full trial and the SPMR is found guilty) – orders and judgments are given verbally.
- It is usually possible to obtain a transcript of any verbal decision of the Court but this is not always done and so we may not have a transcript in any given case.
- If there is a confiscation order, this will be in writing.

In summary, my view is that in cases where Applicants' plead guilty at an early stage, the only relevant and disclosable documents will likely be interview transcripts (which is pretty much what we've been providing to SS already). There may also be some case summaries and Summonses setting out the charges but they will not go into the detailed background and so won't really assist SS' review.

Happy to discuss how we convert this into a message to Tony / SS about what they should expect to receive from POL's prosecution files.

Kind regards
Andy

Andrew Parsons
Managing Associate
for and on behalf of Bond Dickinson LLP

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