POL00228240

From: Melanie Corfield[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MELANIE CORFI1DE623C2-38B2-49FB-AE9A-12E4B20D626720C]

Sent: Thur 07/05/2015 2:02:50 PM (UTC)

To: Jessica Barker[GRO]

Cc: Rodric Williams[GRO]; Pheasant, Andrew[GRO]; Parsons, Andrew[GRO]; Patrick Bourke[GRO]; Tom Wechsler[GRO]

Subject: RE: Offenders Report [BD-4A.FID25887093]

Thanks for this.
My initial thoughts re comms on the Jo Hamilton matter, given that this is highly likely to be used to unfairly fuel 'hiding evidence/ vital documents' and 'wrongful prosecutions' allegations. As an isolated document and to the layman it does not read well.

- As far as I can tell the quotes from this document only appeared in the final CRR so we did not have an opportunity to comment on them? Any response to Mrs Hamilton needs to make this clear and to clearly set out that SS's view on these legal matters is not valid and why. It might also usefully set out other aspects about this case, given that could well be a desire by her to make it public/ share with journalists/ JA/ JFSA

- Given the document is quoted in the CRR it will be difficult to publicly explain any decision to withhold from her (I will of course attempt to do so, with legal's help, if this is the decision)

Mel

From: Jessica Barker
Sent: 07 May 2015 13:44
To: Melanie Corfield
Cc: Rodric Williams; Pheasant, Andrew; Parsons, Andrew; Patrick Bourke; Tom Wechsler
Subject: RE: Offenders Report [BD-4A.FID25887093]

Hi Mel (and others copied for info)

You asked me earlier where M029 was in the Scheme and I just checked with Georgia – our 'no to mediation' letter was sent to Mr Thomas yesterday.

Best wishes
Jess

From: Parsons, Andrew [mailto[GRO]
Sent: 07 May 2015 12:43
To: Patrick Bourke; Tom Wechsler; Jessica Barker
Cc: Rodric Williams; Pheasant, Andrew
Subject: RE: Offenders Report [BD-4A.FID25887093]

Patrick

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Noted about getting a definitive number of cases – I'll look into this when I'm back in the office tomorrow.

I have however now had chance to review the Offenders Report for Hamilton.

There is nothing obviously embarrassing to POL in the Report – it is largely a factual document. There are a couple of points on which Hamilton might raise queries:

- Final Page – Numbered Point 1 – this states that the increasing cash levels in the branch were not spotted. It doesn't say who should have spotted this – POL or Hamilton. I think this meant POL. This could be used as an argument to say that POL should have intervened earlier.

- On the Final Page, the Report states that it has been sent to POL Legal for advice on the merits of prosecution. This gives rise to a couple of points:

    - First, Hamilton may ask to see that advice which is obviously privileged, opening up again the debate on POL suppressing documents.

    - Second, by releasing the Offenders Report, being itself a privileged document, you raise the risk of waiving privilege in other connected documents. To mitigate this risk, POL would need to expressly state that the release of the Offenders Report to Hamilton does not constitute a waiver of privilege in other documents.

Andy Pheasant is currently reviewing the Offenders Report against the POIR to make sure there are no factual inconsistencies.

If POL does consider releasing the Offenders Report, I would recommend first seeking advice from CK, particularly around the concept of waiving privilege in other documents as this may operate differently in a prosecution context.

Kind regards
Andy

Andrew Parsons
Managing Associate

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From: Patrick Bourke [mailto GRO]
Sent: 07 May 2015 09:25
To: Parsons, Andrew; Tom Wechsler; Jessica Barker
Cc: Rodric Williams
Subject: RE: Offenders Report

Hi Andy

POL00228240

Many thanks for this.

I think we do need a definitive answer on total number of cases in which this has happened (unless 2 is that answer) and then which cases those are and what we ought to be doing about it.

It is really unfortunate that this should have happened at all (and in two of our most high profile cases to boot – Hamilton and Thomas).

Since Jo Hamilton is already on the case, the sooner we can set this record straight the better, self-evidently.

Many thanks

Patrick

From: Parsons, Andrew [mailto: GRO
Sent: 06 May 2015 17:06
To: Tom Wechsler; Patrick Bourke; Jessica Barker
Cc: Rodric Williams
Subject: Offenders Report

All

Summary of the position on Offenders Reports

- Offenders Reports (which also go by a number of different names) are a summary of POL Security Team findings into suspected criminal activity. They form the basis for the decision on whether to prosecute.
- In early 2014, POL had a prepared a small number of POIRs. Tony then asked POL to redraft the POIRs using a new format / with a slightly different focus.
- Between the first and second versions of the POIRs, CK identified that the first versions of the POIRs had been annexing Offenders Reports that were privileged documents (see email chain attached).
- This matter was discussed at POL. The decision was taken not to disclose Offenders Reports and that any resulting issues should be escalated to Chris Aujard – see email below from Rodric.
- As a result, the Offenders Reports were removed from the revised versions of the POIRs. I can only find reference to this happening in two cases: M035 and M029.
- In Jo Hamilton's case (M035), the Offenders Report, being document 12 was removed, and the subsequent documents renumbered (hence why Jo believes that Doc 16 is now missing because it has become document 15).

As discussed, I'll re-review the M035 Offenders Report and also give some thought to the consequences of now disclosing it.

Kind regards
Andy

Andrew Parsons
Managing Associate

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From: Rodric Williams [mailto: GRO]
Sent: 08 May 2014 21:59
To: Jarnail Singh; Parsons, Andrew
Cc: Chris Aujard; Jessica Madron
Subject: Re: M029 [BD-4A.FID25887033]

All,

Having discussed this with Chris and Jessica, the protocol for the use of "Officer Reports" (or as otherwise described) by Project Sparrow investigators when responding to individual complaints is:

1. The report is NOT to be exhibited OR expressly referenced in Post Office's formal response to a complaint.

2. It can be used by the investigator to help them understand what happened in a particular case, and to identify other documents relevant to the case (e.g. transcripts of interviews, branch account records etc).

3. If the report is the ONLY source document still available, the investigator can repeat material from the report (provided it is not legally privileged), but CANNOT cite the report as a reference.

4. Any challenge received about the source of a Post Office statement made from the report must be referred to Chris.

I hope that is clear and reflects the decision made. Please let me know if not.

Kind regards, Rod

From: Jarnail Singh
Sent: Thursday, May 08, 2014 01:08 PM
To: Parsons, Andrew <GRO>
Cc: Rodric Williams; Chris Aujard; Jessica Madron
Subject: RE: M029 [BD-4A.FID25887033]

Andy
I anticipate Chris is the best person to make a decision on this point on behalf of POL.
Are allegations POL has NOT properly investigated being made generally or in specific cases?. One of the dangers of investigation officers report being disclosed is that it will always be easy for the applicant to think of something not specifically referred to in the report and allege that POL investigation has not been sufficiently through or adequate. Of course it is highly unlikely that the investigation will have been deficient, but in the absence of full set of papers it may become impossible for POL to rebut such new allegations.
Regards
Jarnail

Jarnail Singh I Criminal Lawyer

148 Old Street, LONDON, EC1V 9HQ

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From: Parsons, Andrew [mailto: GRO]
Sent: 08 May 2014 12:23
To: Jarnail Singh; Chris Aujard; Jessica Madron
Cc: Rodric Williams
Subject: RE: M029 [BD-4A.FID25887033]

Thanks Jarnail - There are two cases that are currently affected by this issue. They both urgently need to be cleared and sent to Second Sight so how would you like to take this forward to a decision?

Kind regards
Andy

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

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From: Jarnail Singh [mailto: GRO]
Sent: 08 May 2014 11:09
To: Chris Aujard; Jessica Madron
Cc: Rodric Williams; Parsons, Andrew
Subject: RE: M029 [BD-4A.FID25887033]

Chris/ Jessica
As I understand it, POL has been advised by senior counsel that investigation and offender report should not be disclosed. It is of course matter for POL to make a decision whether

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to accept this advice or not and of course it would be open for POL to decide to discourse such documents.
I personally would be unhappy for such documents to be disclosure for reasons set out in counsel Harry Bowyers advice note.
Given the email correspondence between Bond Dickinson and cartwright King, I would be grateful if I could be informed whether POL has made a decision or Bond Dickinson are proceeding along the disclosure route without POL having made a decision.
P.S I will forward Andrew Parsons email to CK sent on 6/5/14 at 15.38.
Thanks
Jarnail

Jarnail Singh I Criminal Lawyer

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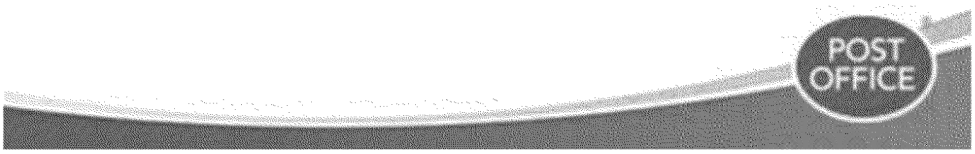

From: Parsons, Andrew [mailto: GRO
Sent: 07 May 2014 16:24
To: Martin Smith
Cc: Rodric Williams; Jarnail Singh
Subject: RE: M029 [BD-4A.FID25887033]

Martin

Thanks – if you could mark on the docs any bits that you would prefer to be redacted that would be great.

Kind regards
Andy

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

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From: Martin Smith [mailto: GRO]
Sent: 07 May 2014 16:17
To: Parsons, Andrew
Cc: Rodric Williams; Jarnail A Singh GRO
Subject: M029

Hi Andy,

Thank you for your e-mail; It would appear that Harry Bowyer looked at an earlier version of the proposed response sometime ago and before we were asked to suggest amendments on draft responses using Track Changes. In those circumstances I have added comment to the latest version of the proposed response which I have attached hereto.

Whilst we have advised that as a matter of principle investigation and offender type reports should not be disclosed, I understand that there will be cases in which it is felt that there is no alternative other than to disclose these. In such circumstances they should be appropriately redacted. If you would like me to deal with that, please let me know.

The disclosure of redacted reports may lead to requests for the disclosure of such reports in other cases.

Please do not hesitate to contact me should you wish to discuss.

Kind regards,

Martin.

Martin Smith
GRO
Tel: GRO

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