

Message

From: John M Scott [GRO]
on behalf of: John M Scott [GRO] > [GRO]
Sent: 03/06/2013 14:03:30
To: Dave Posnett [GRO]
Subject: RE: Horizon Integrity - Strictly Private and Confidential – Subject to Legal Privilege – Not for Wider Circulation

Dave.

Thanks – I've had a read, please progress.

Cheers.

John.

From: Dave Posnett
Sent: 03 June 2013 08:02
To: John M Scott
Subject: Horizon Integrity - Strictly Private and Confidential – Subject to Legal Privilege – Not for Wider Circulation

John,

Simon Baker asks questions re our cases as part of his dealings with 2nd Sight that aren't Horizon Integrity related. I've no issues with this, but can you just sense check my response below to his email (at foot of page). I only ask because I recall this was sensitive and you are named in my response, as well as others. Let me know if you are happy for me to send him my response as it is or whether anything needs changing.

Thanks,
Dave.

Simon,

I've retrieved the 'Events Log' from the previous Financial Investigator who led on this case ... which is a record of activities/information relevant to the case. I provide a timeline summary and comments around pertinent aspects of this case as follows:

- Events Log 10/09/08 – Restraint was discussed with Dave Pardoe (Senior Security Manager).
- Events Log 18/09/08 – Restraint agreed by Dave Pardoe and John Scott (Head of Security).
- Events Log 18/09/08 – Restraint agreed by Juliet McFarland (Principal Lawyer Royal Mail Group).
- Events Log 22/09/08 - Restraint Order stamped/signed by Judge, and served on Mr and Mrs Rudkin.
- Events Log 09/02/09 – Mr Rudkin put back in post and he's repaying £1k per month.
- Events Log 01/05/09 - Proceeds Of Crime Act (POCA) timetable set by the court, following sentence of Mrs Rudkin.
- Events Log 17/08/09 – Henrietta Paget (Prosecution Barrister) seeks confirmation re whether particular or general criminal benefit to be pursued.
- Events Log 17/08/09 – Julian Tubbs (Senior Security Manager) informed of position and agreed we should pursue particular criminal benefit (ie the loss in this case).
- Events Log 18/08/09 – Ascertained that Mr Rudkin has repaid £8k since December 2008.
- Events Log 19/08/09 – POCA confiscation hearing held at crown court – 6 months to repay loss.
- Events Log 01/03/10 – court agreed to extension to pay – 18th August 2010.
- Events Log 22/08/11 – Case closed, full repayment received.

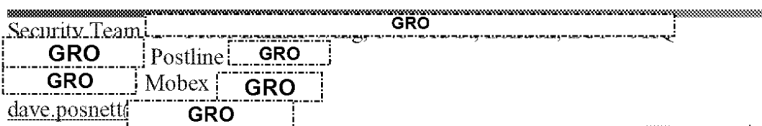
Please note the following, though I can only go by what the Events Log indicate;

- Mr Rudkin may have been the SPMR and entered into an agreement with POL, but we prosecuted Mrs Rudkin and she was subject to decisions made by Senior Security personnel, Solicitors, Counsel and the Judge.
- POL was entitled to pursue recovery via POCA (which could have been quicker than the repayment plan agreed by Mr Rudkin ... 40 months at £1k per month ... nearly 4 years???)
- Civil recovery - Section 6(6) of POCA indicates that the duty of the court becomes a power if it believes that any victim of the conduct has at any time started or intends to start proceedings against the defendant in respect of any loss, injury or damage sustained in connection with the conduct ... the court sanctioned and awarded a confiscation order.
- The Events Log dates above don't correlate to Mr Rudkin paying off £18k over 18 months ... indications above (18/08/2009) are that he had paid £8k since December 2008 ... if he started monthly payments in December 2008 (2 months after the audit shortage) then 18 months takes us to June 2010, yet it was 19/08/2009 that the court made a Confiscation Order.
- It was known that we were pursuing confiscation on 01/05/09 when the court set out a Confiscation timetable ... though it may be argued that Defence knew this even earlier, especially given we had restrained property on 22/09/2008.
- I therefore dispute that 'out of the blue' POL used POCA. At 18/08/09, Mr Rudkin had paid off only £8k according to the Events Log and the very next day he would have been aware that a Confiscation order for the full amount had been made.
- I also dispute that 'out of the blue' his assets were frozen ... his property was restrained on 22/09/08, some 5 months before he was put back in post, and was in no way after he commenced making numerous monthly repayments.

That said, I must say I normally don't enter into POCA if civil or other agreements have been reached regarding repayment of the loss. If possible and where applicable (depending on amount of loss and proposed timescales) I ask FSC to refrain from civil or other methods of repayment if we have a confiscation case ... POCA has more teeth and can expedite recoveries to POL. I don't know why we pursued POCA in this case. I agree it doesn't seem to make sense ... one part of POL agreeing a repayment plan and another pursuing confiscation. However, as per above, we were legally entitled to pursue confiscation. Regarding 'draconian', I agree, but POCA is regarded as draconian in some quarters (indeed 'severe' and 'unforgiving' also spring to mind). However, the legislation was meant to be this powerful and deter criminality as well as enforcing the 'crime doesn't pay' message ... it's the only piece of criminal legislation where powers can be utilised on the balance of probability and powers like restraint can be used even before an interview or prosecution i.e. before a suspect even relays their version of events or their defence.

Regards,

Dave Posnett I Accredited Financial Investigator



From: Simon Baker
Sent: 31 May 2013 15:59
To: Dave Posnett
Subject: Rudkin - Proceeds of crime act

Dave

The investigators interviewed Rudkin yesterday. One of the things he said was that, when we prosecuted his wife's case (for about £40k), Rudkin agreed with POL to pay back £1k per month, which he did for about 18 months. Then, out of the blue, POL used the Proceeds of Crime Act to freeze his assets and claim the full outstanding balance. This doesn't

really make sense, if we had agreed a payback schedule, and makes us look draconian. Can you dig around to determine if this is what happened, and if so why.

Thanks, Simon

Simon Baker Head of Business Change and Assurance

