

Initial Report Template in a Serious Fraud

Request to Sheriff and Jury Functional Lead for authority to place accused on petition for Fraud case	
Report case	
Case Information	
Accused	MURTAZA RASUL
Reference Number	GE13008494
Office	Glasgow
PF Depute	A Lazzarin
Nature of Offence	Fraud
Date of Offence	(1) between 13 April 2010 and 27 May 2010 (2) between 7 May 2010 and 2 June 2010 (3) between 24 June 2011 and 6 March 2012
Date of Report to Functional Lead	25 July 2014 updated 21/8/14
Brief Narrative and Recommendations	
Brief summary of the facts of the case including any additional facts or issues which require clarification.	<p>Between 8 June 2010 and 2 April 2012, three reports of Fraud were made to Police, all of which were alleged to have occurred at Carmyle Post Office. The complainers in these incidents were elderly females who held Post Office Accounts and conducted their withdrawals/transactions utilising a withdrawal card and Personal Identification Number. Each complainer had an amount of money withdrawn from their Post Office Accounts without their consent or knowledge. All complainers conducted their associated business at Carmyle Post Office.</p> <p>Charge 1</p> <p>The complainer, [GRO] (87), was the holder of Post Office Account No [GRO]. Prior to 13 April 2010, the account balance was £17,114.81. It was later established through interrogation of Post Office statements relating to this account that between 13 April 2010 and 27 May 2010, 30 withdrawals of £600 (the maximum daily withdrawal limit) had been taken from the account.</p>

Through enquiries made by family members it was established that 4 withdrawals of £600 were genuine withdrawals. However, 26 transactions of £600 were conducted without consent or knowledge of [GRO] [GRO]. All transactions were apparently carried out using Card No [GRO]

On 8 June 2010, the witness [GRO] son, [GRO] [GRO] reported the discrepancies to the Police. Enquiry relating to same was carried out and statements were later noted from members of the witness [GRO]s family. A statement was also noted from the Sub-Postmaster at Carmyle Post Office, the accused Murtaza Rasul. During his statement, the accused Rasul stated he recalled the witness [GRO] having attended for a period of a few weeks to withdraw money from her account whilst accompanied by family members. Further enquiries carried out with members of the witness [GRO] [GRO] family confirmed the witness [GRO] had attended at the Post Office, however not for the prolonged period described by the accused Rasul.

LABEL: 1 X PO ACCOUNT CARD SIGNED [GRO]

LABEL: 1 X PO ACCOUNT STATEMENT

LABEL: 1 X POST OFFICE RECEIPT

were also seized. Statements were also noted from relatives of the accused Rasul who had been covering periods of annual leave taken by the accused.

Charge 2

The complainer, [GRO] (86), was the holder of Post Office Account No [GRO]

On 30 April 2010, the balance of this account was £13,318.43. It was established through interrogation of Post Office statements relating to this account that between 7 May 2010 and 2 June 2010, 19 withdrawals totalling £11,400 were carried out from the account without the knowledge of consent of the account holder, [GRO]

[GRO], [GRO] contacted the Post Office to report the matter and the card which his mother had in her possession was found to be in fact an unregistered card and he was advised by staff (not further described) to destroy the card, which he did. The location of the true card has not been established. A new card was issued on 21 June 2010 and it was noted no

further fraudulent transactions occurred since that date.

On 6 August 2010, **GRO** contacted the Police to report the matter. A statement was noted from **GRO** **GRO** by the Police witnesses Morrison and Hope at which time they seized

LABEL: POST OFFICE STATEMENT OF **GRO**

The Police witness Paterson conducted further enquiry into the incident, which included close partnership working with the witness Robert Daily, Security Manager of Post Office Ltd.

Various enquiries were carried out and the Police witness Paterson deponed for and obtained

LABEL: GLASGOW SHERIFF WARRANT

which granted Police the authority to interrogate Clydesdale Bank Account No **GRO** held jointly by the now accused Murtaza Rasul and his wife.

LABEL: COPIES OF CLYDESDALE BANK STATEMENT, ACCOUNT NO **GRO** - MURTAZA RASUL were obtained as a result.

On inspection of the statement, it was observed that between 13 April 2010 and 6th August 2010, a total of **GRO** was deposited into the account. It was noted that **GRO** related to Tax Credits. Also between 6 August 2010 and 31 December 2010 a further total of **GRO** was deposited into the account, with **GRO** relating to Tax Credits.

Further enquiry was carried out with the assistance of the witness Daily of Post Office Ltd.

LABEL: COPIES OF MONTHLY POST OFFICE REMUNERATION - MURTAZA RASUL

were generated. It was noted that between April 2010 and August 2010, the accused received a net salary totalling **GRO** from Post Office Ltd. The bank statement that has been recovered thus far does not appear to have any entries that look like regular wage payments.

On 12 October 2011, the accused Murtaza Rasul attended at Shettleston Police Office in order to assist with enquiries. The accused provided a statement which detailed his personal finances. At the conclusion of the statement the exact method by which the monies had

been withdrawn from each Post Office Account relating to the witnesses [GRO] and [GRO] could not be established.

Charge 3

The complainer, [GRO] (86), was the holder of Post Office Account No [GRO]. Prior to 24 June 2011, the balance of this account was £4,544.38. It was later established through interrogation of Post Office statements relating to this account that between 24 June 2011 and 6 March 2012, 7 withdrawals of £600 (totalling £4,200) had been taken from the account without the knowledge or consent of [GRO].

On 2 April 2012, [GRO] contacted Police to report the incident. The Police witness Alan Duff subsequently attended at her home address and noted details for a Crime Report, during which the Police witness Duff seized

LABEL: 1 x POST OFFICE CARD NO [GRO]
[GRO]

LABEL: POST OFFICE STATEMENTS - [GRO]
[GRO]

The Police witness Paterson conducted further enquiries into the incident and further liaised with Robert Daily, Security Manager of Post Office Ltd.

About 1100 hours on 27 April 2012, the Police witness Paterson accompanied by Robert Daily attended at the [GRO] home address. A statement was noted from [GRO]

who confirmed she had attended at Carmyle Post Office and had been served on each occasion by a male staff member she knows as "Danny" (confirmed as the accused Murtaza Rasul). The witness [GRO] inserted her Post Office Card, Account No [GRO] into the Horizon Automated System, when prompted she entered her Personal Identification Number (PIN) and verbally asked the staff member for the sum of £150. The witness [GRO] received the sum of £150 on each occasion, however did not receive a receipt on the dates where the sums of £600 had been recorded on the Post Office Account. The problem only came to light when she received a statement of her account covering a number of months.

[GRO] also described her pattern of taking money out of her account and it did not match the

pattern of withdrawals shown on her account statement. She states that she withdraws £150 per fortnight and £400-500 around Christmas time. As far as she was aware, £500 was the daily maximum for withdrawals. Accordingly she can rule out ever taking out £600 personally. She also states that she never wrote her PIN down or told it to anyone and never sent anyone to the Post Office for money on her behalf.

About 1445 hours on 13 August 2012, the witness Daly attended at Shettleston Police Office where he provided a self-written statement to the Police witness Paterson which related to the operation of the Horizon Automated System. From this statement it was established that the Horizon Automated System could be manipulated in such a way that would allow a customer to key in their Personal Identification Number, request the sum of £150, however at the vendor side the staff member would have the option to press "Withdraw Limit" from the touch screen panel. To confirm the transaction, the customer would again be prompted to re-enter their Personal Identification Number. The vendor would then hand over the originally requested sum of £150, however by selecting the "Withdraw Limit" option this would allow withdrawal limit of £600 (providing there were sufficient funds available), thereby the vendor would have the opportunity to steal the amount of £450 without the customer's knowledge. No receipt would be issued as this would reflect the actual transaction of £600.

The accused was interviewed in relation to all three charges on 20 February 2013. The accused confirmed his Horizon system usernames are [GRO] and [GRO] and no one else knows his password and he does not know anyone else's password. He confirmed that it was possible to swipe a chip and PIN card so that transactions could be processed with out the PIN having been entered successfully, and that it was possible for Post Office employees to issue replacement cards.

CP Okay. When can you swipe a customer's card on Horizon?

MR You would swipe it basically if the customer's entered the card three times, it gives ...

CP Mmhmm

MR ... if the chips not working basically, yeah? If they've got a damaged card or if the chip's not working then we

would swipe the card. So basically the customer gets the option. We can't joost, if you turn up to the Post Office with your card and says I would like two hundred pound out, I'm not gonna take your card off you and swipe it 'cause it won't allow me, the system won't allow me. The system, I'll ??? Chip & PIN, you would have to enter the card three times ...

CP Mmhmm

MR ... before it allows me to manually do it. So, basically, if you've got a damaged card and you come in, put the card in, it'll tell you please re-enter the card, so the customer'll take the card out, re-enter it, then it would come up again please re-enter the card. So three times, and after the third time, that' when it kicks into my system, asks hand the card over to the counter clerk and they will swipe it. So the customer hands over, we would swipe it, put the card back down again and then same again; how much would you like, what would you like etc?

CP Okay.

MR But now, recently, in the past, ??? six months, we have a facility to issue like if the card's damage or if it the chip is down, basically we've got cards in the back that we can joost re-issue them another card and swap it round.

He accepted that he had given statements to the police previously about suspected frauds at the post office and that he remembered **GRO** and she sometimes forgot her PIN, but while he might invite other people to help pensioners key in PIN numbers, he did not assist personally.

CP ??? more than two occasions, but I've taken two statements from you, is that correct?

MR Uhuh, yes, I believe it is.

CP The first statement I took was 1249 hours, 26th of June 2010. You mentioned you recalled a female, you referred to her as **GRO** ...

MR Yes, yeah, yeah, **GRO**, yeah.

CP ... she had problems with the card and PIN, sometimes she had forgotten her PIN and you'd also mentioned that you noticed sometimes pensioners forget their PINs

...

MR Yes, yes, yeah, it's joost, joost wi their age I guess,

yeah.

CP Okay. You added that you don't let pensioners key in their PIN number in for a third time because it cancels the card.

MR Mmhmm

CP Can you explain that?

MR Yeah, what it is basically so joost let's say if your colleague came up, ??? always be a pensioner, it could be anyone comes up with a PIN and puts in the card, it comes up incorrect PIN number, so I'll say can you please enter your PIN number in again, they do it again, incorrect PIN number, so then I'll say to them I'll say I don't advise you to put it in a third time because if you put it in incorrectly again, three times, your card will get cancelled, you'll have to go away home, take your card, phone that number on the back of the card and request a new PIN number, which'll take two to three days to come back. So what I suggest you do is joost go away, have a wee think about it and if you don't know the PIN number then by all means phone up the number on the back of the card, or if you do remember you're more than welcome back again and try it again. I'm joost trying to save them the hassle of basically not being able to withdraw money at that particular time.

CP Did you swap her card at any point, did you swap?

MR No, not at all.

CP Right, okay.

MR Like I say, I wouldn't deal with the card, even if it's an incorrect PIN number, the customer's still putting it in in their side. The only we would get the card passed through to us is if it was a damaged card.

CP Have you ever put the PIN number in for ...?

MR No.

CP ... for **GRO**

MR No, no.

CP You also mentioned that you ...

MR What I do, like joost to make that clear, if there is another customer there and obviously they're with someone, I'll say to the customer if you would like they could put the PIN number in for you if you're struggling with the PIN number. And some of them say yes, some of them say no.

CP Okay.

The accused was questioned about his spending and accepted that he took a holiday in Las Vegas in 2010

which cost him about £900 and a further £600-700 spending money. He was asked at length about his income and outgoings which came to the totals below

CP Okay. So total income approximately, adding that up, is roughly four thousand four hundred pounds.

MR Mmhhh

CP That be right at that time, yeah?

MR Yeah, yeah, joost at that time, joost off the top of my head, yeah.

CP And outgoings would about thirteen hundred and sixty pounds per month?

MR Mm yeah.

He was asked to explain April to June 2010

CP Okay. Okay referring back to your ??? account 13th April 2010, 2nd June 2010, thirteen thousand nine hundred and ten as I say was deposited in your account, which was substantially more than yours.

MR Mmhhh

CP More than you have spare per month.

MR Mmhhh

CP What can you tell me about that?

MR Well like I say I will deposit money on behalf of my father or my sisters as well. The thing with my sisters is and it's quite a [REDACTED] GRO f

[REDACTED] GRO that they put aside sometimes what I'll do is I'll put them in the safe in my Post Office so joost to put aside for them for safekeeping basically or sometimes if they need something or whatever I'll put it into my account for them. I've nothing to hide hence the reason it goes through my account. 'Cause I'm fully aware like when I done my management and accounts degree etc I do realise everything has a paper trail.

He was asked about charge 3

CP ... branch. Account number [REDACTED] GRO Okay? Do you know [REDACTED] GRO ?

MR I think she's one of my neighbours, isn't she?

CP I believe she is.

MR Yeah, if she's the same lady I'm thinking about, yeah.

CP Prior to 24th of June 2011, her account balance was four thousand five hundred and forty-four pounds thirty-

eight. And it was established between the 24th June 2011 and 6th March 2011, seven withdrawals of six hundred pounds, that's four thousand two hundred pounds, were carried out from the account. And what can you tell me about that?

MR As far as I'm aware the customer has withdrawn these funds, but with all due respect Craig, I've got, I'm dealing with customers on a regular basis who are like you say they're elderly, I don't want to word this incorrectly, but they're very forgetful as well so I've got customers who come in who forget their PIN numbers etc, even forget what day their pensions are getting paid in, so they might come in on a Monday to get their pension and they might come back on a Thursday thinking it's a Monday, so you can understand it becomes extremely frustrating for me as well dealing with certain customers, but I'm not saying [GRO] is such a case, but I'm joost saying that certain customers do withdraw money and then become forgetful if they have actually withdrawn that money or whatever, but I can't remember the frequency of [GRO]'s visits to my Post Office, I can't tell you off the top of my head. Like I say like customers are coming in all the time and stuff so I joost forget if they've been in once a week or twice a week etc, but I don't know if you can shed some light on how often [GRO] like these transactions were carried out, if they were on a weekly basis or a daily basis or to me it's like if it's suspicious okay fair enough if it's on a daily basis the way the other two were I can understand where you're coming from, but.

CP Mmhmm. Obviously through enquiries she confirms she's attended at Carmyle Post Office and she's withdrawn a hundred and fifty pounds on each occasion. So that totals one thousand fifty pounds. However, on checking the Post Office account statement for it in March 2012, she's realised that there's withdrawals listed as six hundred pounds on each occasion. What can you tell me about that?

MR Thing is when a customer comes in, as I previously spoke to you on the previous cassette, that the customer would ask me how much they want, we'd give them a receipt, we'd count the money out and as far as I'm concerned that transaction is finished in relation to me because they've asked for what they've asked for, I've gave the receipt, gave the cash out and the receipt clearly states how much that goes out and what their balance is as well. So if customers ask for a certain

amount, which could be a hundred and fifty pounds or six hundred pounds, that's what's gonna get paid out and their receipt will state that. There's no way, even if you speak to the Post Office Team, there's no way that a receipt will state something else to what actually's coming out the account. As far as I'm aware, that's what we've always been taught like always return a receipt to the customer and the receipt will state what they've got in their balance and what they have.

CP Mmhm. Can you explain as to why it would be six hundred pounds withdrawn, not the hundred and fifty pounds?

MR As far as I believe if the customer's asked for six hundred pounds then that's what they'll be getting paid out six hundred pounds. There's no way my system would make a mistake if a customer's asked for a hundred and fifty pounds and put in six hundred pounds, I'm not gonna make a mistake like that, and my system's not, as far as I'm aware like it's not gonna make a mistake like that.

I know there's issues on the Horizon system about money going missing, but that's not from customers' accounts, that's from actual Post Offices. Hence that they're investigating that the Horizon system is not as stable as they believe it is.

He was later asked about the suspected modus of the theft and confirmed that it was possible.

CP Am I correct in saying the only explanation we can give here, the fact there's £600, is the fact that you can, you can hit withdraw limit that would give you potential to hand over £150 but keep £450 for each transaction?

MR That's not what I done.

CP Yeah, but am I correct in saying that is what can be done?

MR That's a list of possibilities that could be done yes.

~~The accused was asked to recap about re-issuing of cards. His replies seem detailed but he appears to slip up as regards the point of exchanging a card where the chip is not working as he claims that the new card will only be issued if the PIN is input correctly by the customer as well as identification shown. Surely if the chip does not work, the PIN cannot work either unless it is stored centrally and not on the card? Robert Daily requires to be asked to clarify how this process should work.~~

Robert Daily has since confirmed the process for exchanging a card. The PIN is associated with the account and not the card so is stored centrally. It always requires to be entered correctly by someone before money can be taken out of the account. Update 21/8/14

DW I think you might've covered this; you said something about re-issuing cards if cards were damaged?

MR Uhuh

DW But how does that come about?

MR It comes about so if the customer comes in with a broken card etc or if it's been caught in the cash machine and it's been broken or the chip's not working in it, if I've got cards there we'll say right okay if they ask for another card. So they'll phone up the Post Office and they'll say joost go to your Post Office and they can re-issue another card, so...

DW Sorry, see the Post Office card, I don't have one, so ...

MR Okay, yeah.

DW Does it have the customer's name on the front of it?

MR No, no, they're, I would've brought one if I'd had the opportunity but it's joost a small purple card that says Post Office Card Account, it's got a long number on it, they way a debit card would have it and it's got a chip on it so you can assign that to a person.

So basically you've brought a card in to me myself and said it's not working, could you replace this card? If I've got another card on site, what I'll do is right okay that's fine, so trying to think how this goes, yeah, you go into your card management screen on the system and it say issue/replace damaged card, so you'd hand your card through to me, I would swipe your card, okay? You'd have some identification on you, so I'd check your identification and then I would bring the card I've got in the back and I'd swipe that again.

DW How do you know the identification of the card 'cause you said earlier ...?

MR Sorry, pop, the name pops up, the name pops up. So when I swipe up it says this card belongs to Mr Craig Paterson.

DW And when they put the card in the chip and PIN machine, does the name also pop up?

MR No, nothing comes up.

DW Nothing comes up so ...

MR Nothing comes up at all.

DW ... if you swipe ...

MR Mmhmm
DW ... the name comes up?
MR Yeah.
DW Any other details come up?
MR Nothing at all.
DW So the only ID that you can check is that person's name, you don't have a date of birth, you don't have an address?
MR Top of my head, yeah, I think that's the way it is, yeah.
DW So I could come in with a piece of paper with Joe Bloggs on it and if Joe Bloggs' name popped up on your machine that would be fine, I would get a card?
MR But, yeah but, what you're forgetting is, you don't have the PIN number.
DW Mmhmm
MR You still need the PIN number. So, but this is what I was joost going to get to, sorry to stop you there.
DW Alright, no, no.
MR So basically hand me the card, I'd swipe it and it'd say this card belongs to Craig Paterson so I'd say Mr Paterson hand me some ID, I would check the ID, if that's no problem at all I would get a card out, I'd swipe my card. So the old card I've swiped gets cancelled, it gets automatically attaches itself to the new card, okay?
DW Mmhmm
MR So then what we're supposed to do is get the customer to put the card in the machine, put their PIN number in, okay? And then if it passes it then we say allocate card.
DW So they keep the same PIN number?
MR They keep the same PIN number, same account, everything stays the same. It' joost physically the card gets changed and the old card, if it, obviously it'll be damaged so you won't be able to use it anyway, so they would joost take that in and we'll pass them the new card out.
DW What happens to the old card?
MR That gets destroyed on site.
DW You destroy it?
MR Yeah, we destroy it on site.
DW What do you do with it?
MR We joost cut it up, joost put it in the bin.
DW Cut it up and put it in the bin, okay.
MR As you would with any debit card a customer's left with. If you were using a debit machine to say pay for cigarettes. If you left that I would wait, I always wait

sixty minutes, if nobody comes back then I'll just cut it up.

DW And you said earlier on you order sort of five of these blank cards?

MR Yeah.

DW At a time?

MR Block of cards yeah.

DW But they're just, they're just blank they don't have any details on them, no information?

MR Nothing, nothing, absolutely blank, if you get in touch with the Post Office they'll be able to tell you these are just blank cards that have not been assigned to anyone and they've just got the number on it but we have to rem them in as a remittance into our system so the Post Office at any particular point know that we've got say two cards on site.

At the conclusion of the interview, the accused was cautioned and charged with charge 3. His reply was "YEH, IT WASN'T, I DIDN'T DO IT THE WAY YOU'RE SAYING THATS WHAT HAPPENED. I BELIEVE THE CUSTOMER WITHDREW THAT MONEY AND MISPLACED THE RECEIPT SOMEWHERE BECAUSE RECEIPTS WERE ISSUED ON EVERY SINGLE TIME AS THEY ARE WITH EVERY SINGLE TRANSACTION."

Robert Daily, Post Office Security Officer gave a statement which described a number of different frauds that could be carried out by post office staff. Charge 3 was recent enough that he was able to interrogate the system. He identified that the suspect transactions were carried out by username **GRO** which is one of the usernames that the accused admitted belonged to him and said no one else knew the password for.

<p>The PF Depute's Recommendations as to why petition proceedings are appropriate and Crown's position on bail.</p> <p>Please ensure that the charge is correctly marked in FOS in accordance with your recommendation.</p>	<p>Petition proceedings are appropriate as the accused has misused his position as sub-postmaster to steal from vulnerable, elderly customers. The amounts taken just about sufficient to merit petition proceedings in their own right before aggravating factors are considered. The value of charge 1 is £15,600, the value of charge 2 is £11,400 and the value of charge 3 is £3,150.</p> <p>Given the time elapsed in the investigation of these crimes, it is appropriate that the accused be granted bail. The one suitable special condition that could be attached is that he does not enter Carmyle Post Office, Gardenside Avenue, Glasgow. It is also appropriate that the accused be invited to answer any warrant.</p>
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<p style="text-align: center;">Considerations on Sufficiency of Evidence</p>	
<p>Evidence that false pretence was made and that it was false</p>	<p>Charge 3 is the easiest to follow. The complainer, GRO GRO (age 86) speaks to requesting £150 on each of 7 occasions and she accepts that she got £150. She says she was given no receipt on any occasion. On checking her statement, she noted that £600 had been removed from her account each time. Robert Daily confirms that the Post Office system gives the teller the ability to input the withdrawal amount. Provided the customer gets what they asked for, suspicions will probably not be aroused.</p> <p>Charges 1 and 2 are more problematic. Due to the ages of the incidents, Robert Daily was unable to interrogate the system to see who processed the transactions. Only the last 90 days are available in this level of detail. There are a number of similarities between charges 1 and 2. They were carried out at the same locus, have similar time frames (charge (1) between 13 April 2010 and 27 May 2010 and charge (2) between 7 May 2010 and 2 June 2010) , have similarly aged victims (charge (1) GRO GRO age 87, charge (2) GRO, age 86) and have a similar modus in that the accounts were systematically drained at the rate of £600 per day, but no further suspicious transactions took place after the cards for the accounts were changed. It is submitted that this is a case where the principle in Howden v HMA could be applied and the same person be said to be responsible for both charges.</p>

	<p>For Charge 1, the complainer [GRO], says she did not give details of her pin to anyone, but recounts an incident where she was trying to put her pin in at the Post Office and the "man who works in it all the time, he's a [GRO] quite tall, dark hair, clean shaven, over 40 yrs of age," shouted to her that she was putting her card in the wrong way, came out from behind the counter, put her card in for her and pressed some buttons and she got straight into her account. She states she did not tell the male, or anyone else, her PIN at any time. She confirms, as do her family, that she did not attend the post office anything like the number of times suggested by her account statement and she only went to Carmyle Post Office. Robert Daily confirms what the proper procedure as regards Chip and PIN cards should be.</p> <p>For charge 2, the complainer [GRO] has [GRO] r [GRO] and was unable to give a statement. Her son was with her on an occasion where she attended Carmyle Post office and was unable to withdraw money. He took possession of her card to make enquiries and was told by the helpline that the card was not registered with the Post Office. He tried to get a replacement card from Carmyle Post Office and was unable to get one from them, but another nearby Post Office was able to help him. It seems inconceivable that [GRO] could have been responsible for the practically emptying of her account over 19 visits in the space of between 7 May 2010 and 2 June 2010 and yet she was unable to remember her pin when at the Post Office with her son a few days later. Even if this sudden forgetfulness were caused by her condition, it does not explain the anomaly with her card when it was checked with the helpline, nor why Carmyle Post Office was unable to assist and issue her a new cards. [GRO] son confirms that his mother did not make the transactions in relation to her charge. Carmyle Post Office was [GRO] local Post Office. Robert Daily confirms what the proper procedure as regards replacement cards should be.</p>
<p>Evidence that false pretence was made by the accused - ID</p>	<p>For charge 3 Robert Daily confirms the user identity who processed each transaction as belonging to the accused. The accused confirmed his log in details (which matched the log in used) and that no one else knows his password. The complainer says she knows the accused and can identify him.</p> <p>For charge 1, [GRO] describes a male who could</p>

	<p>be the accused- he has worked there for years, well before these charges took place. The Police can identify the accused as admitting to working there at the time of the incident. His colleagues can identify him as working there and also rule themselves out as having been involved. This charge readily Moorovs with charge 3. There is significant disparity in the accused's income during the period and the level of his salary. He also pays for an expensive holiday to Las Vegas around this time. He is living well beyond his means and gives an incredible explanation for the excess income. See also further enquiries.</p> <p>Charge 2 is the most difficult. There is no direct identification of the accused. He admitted that he worked there at the time of the incident, and his colleagues confirm that. Thereafter, there is only his excessive income (See also further enquiries) to tie him directly to the charge. It is submitted that given the similarities with charges 1 and to a lesser extent, charge 3, the Howden principle (Howden v HMA 1994 SCCR 19) could apply here and the same person be said to be responsible for all charges. The differences in time frame and exact modus (partially authorised transactions starting about a year later and spread out rather than completely unauthorised ones over a very short timeframe) could readily be explained by the accused acting in a more circumspect manner as he had been spoken to and a statement taken from him after the first two charges (albeit no action was taken at the time as the police concluded they did not have sufficient evidence at the time).</p> <p>Another adminicle of evidence that the accused was responsible is that there have been no further reports of similar offending at the Carmyle Post Office since the accused was suspended.</p>
<p>Evidence that false pretence induced someone to do something</p>	<p>In all three charges, money has been released when the complainer did not ask for it.</p>

Practical Result	The complainer in charge 1 is £15,600 worse off than she should be, The complainer in charge 2 is £11,400 worse off than she should be and The complainer in charge 3 is £3,150 worse off than she should be.
Observations and recommendations in respect of sufficiency. Please refer to the Fraud Toolkit for guidance in assessing the evidence. Is there sufficient evidence to prove the charge(s)?	<p>Charge 3 is the strongest charge by far. The complainer speaks directly to the conduct and the offence was fresh enough that the Post Office were able to link the accused's user ID to the transactions and he confirms no one else knows his password. The complainer confirms that the accused served her on each occasion and has been working there for years. She can identify him.</p> <p>As referred to above, charges 1 and 2 are not as strong. They do have significant similarities both with each other and with charge 3- all took place at Carmyle Post Office, the ages of the complainers –all in their eighties, all of the unauthorised transactions feature use of the daily maximum withdrawal amount of £600 and from the start of charge 1 to the end of charge 3, the time period is under two years. Charge 1 is potentially capable of Moorov as although the complainer is listed in the analysis of evidence as being unable to identify the accused, she does give a detailed description and says that the male who served her works there all the time. This related to an occasion where the accused, who should not know her PIN was able to enter it for her. Other witnesses can place the accused as a regular worker at the locus. The accused also confirmed in interview that he had given a statement to police when considered a witness where he had accepted having dealt with GRO as a customer and GRO had had trouble with her PIN. The offence appears to have been committed using a cloned card as the complainer was not present on the days when her account was systematically emptied. This is a difference from charge 3, but probably represents a refinement in technique after the accused was spoken to in the aftermath of charges 1 and 2.</p> <p>Charge 2 has no direct identification evidence and is the weakest charge. It appears to have been a cloned card type offence as well. The withdrawals again did not fit the complainer's known behaviour patterns. The</p>

	<p>complainer did not remember her PIN despite apparently having attended on 19 occasions over a very short time previously and successfully withdrawing £600 each time. The complainer's son was told that the card in his mother's possession was an unregistered card and he should destroy it. It seems likely that the complainer and card were not in fact involved in each transaction. While charges 1 and 2 are not as strong as charge 3 in terms of direct evidence, they do have evidence of the accused spending in excess of his apparent means at around the time of these offences. It is hoped that this chapter will be bolstered further in due course when we are in a position to evidence the accused's property purchases. Given the similarities between the three charges, it is submitted that the Howden principle can be relied upon to provide identification for charge 2.</p>
<p>Non Fraud Cases :</p> <p>Evidence of essential elements of specific offence</p>	

<p align="center">Considerations on Quality of Evidence</p>	
<p>Describe here the nature of any concerns.</p>	<p>The investigation was paused for a number of months while the Post Office carried out a review of cases where their Horizon computer system was involved. Paul Miele at Policy was aware of the position. The Post Office have reached the conclusion that the system is reliable in relation to this case, but have yet to make a report available confirming this is the case. The problems concerning the system were widely reported at the time so</p>

	will probably be something that the defence focus on for the benefit of the jury.
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Considerations of further inquiries to be carried out

<p>Any further enquiries to be instructed after accused placed on petition</p>	<p>The accused has been referred to the Police Financial Investigation Unit. This has been done for the dual purposes of firstly allowing the Reporting Officer to benefit from their expertise in seeking bank warrants to try and recover account details and statements to build a fuller financial picture so we can evidence more excessive income around the time of all 3 charges and secondly to allow for action under the Proceeds of Crime Act against the accused.</p> <p>Early indications from the police are that they consider that the accused should be a candidate to have his assets restrained as, in addition to the bank statements already recovered, they have found indications that in 2007 the accused purchased his GRO home taking only a GRO mortgage and in 2010, he purchased another property with his brother for GRO with no mortgage taken over it.</p> <p>SOCD confirm that they have an interest in this case in relation to POCA matters.</p> <p>The reporting officer has been asked to provide full transcripts of the statements that the accused gave before he was a suspect and confirmation of the accused's status at the time. He has also been asked to obtained a further statement from Robert Daily about the proper working of the replacement card process including what happens when the chip is damaged and to confirm whether this disables the PIN protection and also to covering the swiping of cards and the processes concerning swiping cards. PIN protection data is stored centrally and the PIN always requires to be entered to obtain monies update 21/8/14</p> <p>The Post Office have been asked to provide such information as they can concerning work rotas to narrow down who was working on the days where suspect</p>
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transactions took place. It is understood that the accused works at the locus alone most of the time. They have provided work rotas for charge 3 (scanned into case directory). They are still working on rota information for charges 1 and 2. Update 21/8/14

The Post Office have commissioned an expert report to cover the reliability of their Horizon computer system. It is not yet complete. The Post Office indicate that they are willing to support the accuracy of their system in relation to this case. An interim report is available in the public domain about issues with the Horizon system and a copy is attached to this report. The specific case studies detailed in that report are all of a significantly different nature to the allegations here so the report is not of any particular assistance or relevance in this case.

S&J Functional Lead's Instructions

Functional Lead	
Date of Instruction	
1. Instructions on proceedings	
2. Instructions on bail , special conditions of bail and bail appeal.	
3. Observations on quality	
4. Further Enquiries Required before a decision can be taken on proceedings	<p>The following further enquiries are to be carried out:</p> <p>Please re-report to me by:</p>