

From: Jarnail Singh[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JARNAIL.A.SINGH6CEADABD-67E9-4ECA-94F2-005716658847]
Sent: Thur 17/04/2014 1:27:48 PM (UTC)
To: Parsons, Andrew [GRO]; Angela Van-Den-Bogerd [GRO]; [GRO]; Rodric Williams [GRO]
Cc: Parmenter, Claire [GRO]; Leigh-Doyle, Alva [GRO]; [GRO]
Subject: RE: Officer's report [BD-4A.FID20472253]

Andy

In prosecution these documents are not disclosed to the defence as they are not the primary evidence rather a prosecution working tool. If they contain information that the defence should have prosecution usually serve it in some other way – either by statement, documentary exhibit etc.

You refer to the issue in M051 Rudkin..You say report should be disclosed in redacted form. As it contain “a paragraph in the report that is important in disproving the allegation that the Applicant's wife was inappropriately interviewed” . Here we would not relay on the officers report all the relevant information is contained in Mrs Rudkin interview which would be part of the prosecution papers served on all parties . Hope it helps..

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From: Parsons, Andrew [GRO]
Sent: 17 April 2014 12:51
To: Angela Van-Den-Bogerd; Rodric Williams
Cc: Parmenter, Claire; Jarnail Singh; Leigh-Doyle, Alva
Subject: Officer's report [BD-4A.FID20472253]

Angela, Rod

CK have raised a concern about disclosing "Officer's Reports" with the POL Investigation Reports. The Officer's Reports are prepared by the POL Investigation team at a very early stage of a prosecution and are intended to set out the facts and background of a case in order that a decision to prosecute might be made. This is necessarily at a stage

when the investigation is far from complete and will often contain conjecture and opinion that will subsequently be proved wrong or inflammatory. I also understand that the reports may also contain information about POL's processes or improvements to those processes that would otherwise remain confidential.

This document is typically not disclosed through the prosecution process as it is part of the prosecution working papers and therefore, I understand, it is usually exempt from disclosure (Jarnail – please shout if this is wrong).

I cannot see that this document would attract legal privilege as it is an investigation document and not a document prepared for the purposes of litigation.

It is therefore a question of commercial sensitivity as to whether to disclose these documents. Do you have a view on whether as a point of principle this type of document should or should not be disclosed? Alternatively, do you think this needs to be addressed on case by case basis? My feeling is that we should adopt the latter approach but with a presumption against disclosure unless absolutely necessary

The case that flagged this issue was M051 Rudkin. The report in question is attached. My view is that this report should be disclosed in redacted form. There is one paragraph in the report that is important in disproving the allegation that the Applicant's wife was inappropriately interviewed – see issue 6 in the attached draft version of the POL Investigation Report. All other parts of the report should be redacted on the grounds that they are subject to prosecution privilege.

Kind regards
Andy

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

Bond Dickinson

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