

Message

From: Matthews, Gavin ([REDACTED] GRO)
Sent: 16/02/2015 18:19:38
To: jane.macleod ([REDACTED] GRO)
CC: Rodric Williams ([REDACTED] GRO)
Subject: FW: CCRC letter - Subject to privilege [BD-4A.FID20472253]
Attachments: Ltr from Frazer Stuart CCRC 12th Feb 15.pdf

Jane

Andy Parsons has forwarded on your message below and as I have been working closely with Rod and Brian Altman QC on this matter I thought I would offer up a few initial thoughts on the CCRC response:

1. It neatly circumvents both questions POL asked in the letter under response – clearly there is no individual applicant challenging his/her own prosecution so that must mean that the CCRC considers that there are "exceptional circumstances" which justify this investigation though they do not say so explicitly and their response is very weak.
2. It is also clear that at this stage the CCRC have no idea of the documentation they are looking for save for the Altman report – I suspect their plan is to start there and then to ask for more and more documentation as they go along.
3. We can disclose the Altman report subject to all the protections of s25 of the Criminal Appeal Act 1995 ie it must not be disclosed without our consent (note that there are limitations on this).
4. In relation to the Horizon system, that is a very wide definition of documentation. They will have seen the Second Sight report from July 2013 because SS published that. In my view that documentation is not relevant to their search. What is relevant is the review process POL went through after production of the SS report and the subsequent disclosure process carried out by Cartwright King – we need to think about "guiding" them in that direction but only to a sample of files.
5. Overall we need to consider how far POL pushes back on this latest letter – the danger is that once we open the door to them we will find it hard to close it!

These are my preliminary views and I am happy to join a conference call with you/Rod any time this week (although I am out of the office on Friday)

I hope this helps

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

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From: Jane MacLeod [GRO]
Sent: 16 February 2015 16:27
To: Rodric Williams
Cc: Parsons, Andrew
Subject: CCRC letter - Subject to privilege

Rod,

Please see attached letter from the CCRC. Essentially they are looking for sight of the Altman report although see the paragraph on p2 where they state that they expect that this would also cover the Horizon system.

Based on previous discussions, I think we will need to disclose the Altman Report although we should ensure that this disclosure does not waive privilege. The letter also enclosed a copy of the 'Formal Memorandum: Disclosure by the Commission' (available at <http://www.justice.gov.uk/downloads/about/criminal-cases-review/policies-and-procedures/casework/disclosure-by-commission.pdf>) which sets out at p22 the considerations around privilege.

In relation to the Horizon system, we should consider what can be provided around this; would any of Second Sight's own reports assist on this?

I note you are out of the office until Thursday and I am off from Thursday! Its possible I could do a call before 10 on Thursday morning or on Friday afternoon.

Let me know what works for you.

Thanks,

Jane

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