

POST OFFICE INTERNAL PROSECUTION POLICY (DISHONESTY)

1. Purpose

This paper proposes a rationale for a Post Office prosecution policy as it applies to its own employees and agents. It has been endorsed by the Group Security Committee which includes security representatives from all businesses and the Legal Services Dept. Within Royal Mail, Directors Personnel Network has also endorsed it and it is now submitted to become Post Office policy.

2. Current Policy

There is no single statement of current policy but it can be summed up as normally to prosecute all breaches of the criminal law by employees which affect the Post Office and which involve dishonesty. However, there are exceptions as follows.

- i. Minor instances of wilful delay, ie a small number of items for less than 24 hours
- ii. Relatively minor, out of character actions by long serving employees of good reputation committed during periods of intense personal stress
- iii. Relatively minor cases which would expose the Post Office to embarrassing public criticism
- iv. Cases where Legal Services Dept. advise that the prosecution is unlikely to succeed

Legal Services Department provide advice in each case as to whether or not a prosecution is merited, taking account of the factors set out above.

3. The Case for Prosecution

The Post Office's prosecution policy appears to have evolved over a considerable period of time with little formal evaluation or review. Given that there is no formal rationale, the principles underlying prosecution have been identified as follows.

To act as a deterrent.

To serve the public interest.

Neither of these can be accurately evaluated, although they cannot be disregarded in a review of this nature. There can be no doubt that prosecution can be a deterrent, but only if potential offenders believe that they will be caught. Equally, in some instances, loss of a job might be seen as a greater deterrent than prosecution, particularly if prosecution is not thought likely to lead to particularly serious consequences (eg bound over or community service). Ultimately, individual mind sets and circumstances are the key to prosecution having a deterrent effect.

In the area of prosecutions, serving the public interest is an even more nebulous notion, although not one which can be disregarded. It is still the case that courts take certain crimes by Post Office employees particularly seriously (eg theft of mail) and judges and magistrates frequently comment on the responsibility that our employees bear and the breach of trust that is created by theft. Although there is no formal definition of, "the public interest", it seems reasonable to assume that it requires the prosecution of dishonest individuals of a criminal disposition.

4. The Case Against Prosecution

The case against prosecution is easier to quantify than the case for, although this does not necessarily make it more valid. The negative side of prosecution can be summarised as follows.

Costs

Adverse Publicity

Adverse IR consequences

Costs are incurred through the need to gather evidence to the standard required for criminal prosecution, which is far higher than that required to achieve dismissal, the need to retain or hire lawyers to effect prosecutions and the need for investigators to attend court to give evidence.

In general terms, the publicity around crime in the Post Office, even if the report concerns the successful apprehension of the offenders, represents adverse publicity. While it might be argued that it is better to be seen to be doing something about internal crime, the evidence indicates that most customers do not perceive it as an issue until it is reported.

The adverse effect on IR is caused by what is frequently perceived as an over vigorous reaction to issues such as wilful delay. Although rarely a flashpoint in itself, it contributes to a background feeling of resentment.

5. Proposed Rationale for Prosecution

Work which has already been carried out into the profiling of internal offenders within Royal Mail enables a rationale for prosecution to be constructed which can inform

policy development. In broad terms, offenders can be placed into one of three categories as follows.

Criminal

Irresponsible

Irrational

The *criminal* category is involved in theft of mail for personal gain. They frequently target instruments of payment such as credit cards, cheques etc and often have links with external criminals who pay for and subsequently use the items stolen. The most important factor with these people is that they are knowingly stealing and are fully aware of the criminality of their activities.

The *irresponsible* category is usually involved in wilful delay and/or destruction of mail. There is no intent to steal mail or to achieve material gain. The motivation can best be described as idleness, compounded by a failure to understand the seriousness of their actions. These offenders are frequently characterised by their youth and relatively short service. In many cases their actions would seem to represent a continuation of poor behaviours carrying over from their schooling.

The *irrational* category are a minority and are characterised by longer service and crimes which are frequently easily detected (eg opening mail on the premises and leaving obvious debris). It is often the case that their offending is triggered by traumatic events in their personal lives.

In order to provide a deterrent and to serve the public interest it is clearly necessary to prosecute offenders in the *criminal* category. Their offences are motivated by dishonesty and their offending takes the form of a calculated risk. It is entirely appropriate to attempt to maximise the adverse consequences of their behaviour and to attach a criminal record to them as they are, by any definition, criminals.

There would seem to be little point in attempting to prosecute offenders in the *irresponsible* category. They do not appreciate the seriousness of their actions and they are not motivated by dishonesty. Consequently, they are best dealt with via the discipline code alone, although this should not prevent us from attempting to instil responsibility into these employees before they offend, or from attempting to avoid their recruitment in the first place. These both represent more appropriate responses to the problem than prosecution.

Finally, there is little point in attempting to prosecute offenders in the *irrational* category, as they are, by definition, unlikely to take a rational view of the deterrent effect of prosecution. Once again, the discipline code is the appropriate vehicle for dealing with this category of offender.

From the above, it is possible to formulate a prosecution policy as follows.

The Post Office's policy is normally to prosecute those of its employees or agents who commit acts of dishonesty against the Post Office for the purpose

of illegally acquiring Post Office property or assets, or the property or assets of Post Office customers and clients while in Post Office custody, where this is deemed to serve the public interest. Other wrongdoings will normally be dealt with via the discipline code.

It should be noted that the use of the word *normally* allows discretion in the application of this policy, including the non-prosecution of those in the *irrational* category. In particular, it is the motivation of the offender which is important. Consequently, in cases where theft is suspected to be the prime motive, but the evidence only allows lesser charges such as wilful delay, opening or secretion, prosecution will still follow.

6. The Prosecution Process

In order to streamline the process and to facilitate a consistent approach, it is recommended that a single point within the Personnel Dept of each Business Unit should make decisions on prosecutions, following advice from Legal Services Dept as to the likelihood of success and the potential for embarrassment to be caused to the Post Office.

7. Conclusion

The proposals in this paper have been formulated to support the Post Office's core competence as a trusted national agent. Personnel Strategy Steering Group are invited to endorse them as Post Office POLICY.

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