
From: Matthews, Gavin [GRO]
Sent: Fri 04/07/2014 12:19:11 PM (UTC)
To: baltman [GRO]
Subject: FW: Draft Prosecution Policy [BD-4A.FID20472253]
Attachment: COMMENTS ON BAQC DRAFT POLICY.pdf

Brian

I hope all is well with you and you are enjoying the sunshine.

Please find attached and below an email from Jarnail attaching CK comments on the draft prosecution policy.

I'm not sure of the best way forward. I suspect if you could respond to CK's comments that would be a good start. If there are differences of approach we could pick them up in a telephone conference later on.

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

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From: Jarnail Singh [GRO]
Sent: 01 July 2014 10:22
To: Matthews, Gavin
Cc: Chris Aujard; Jessica Madron
Subject: RE: Draft Prosecution Policy [BD-4A.FID20472253]

Gavin



Please find attached CK counsel Simon Clarkes comments and suggested amendments in relation to the BAQC draft Prosecution Policy.



Kind regards,

Jarnail Singh | Criminal Lawyer

 148 Old Street, LONDON, EC1V 9HQ

  Postline: 

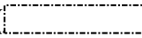

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From: Jarnail Singh
Sent: 02 June 2014 11:39
To: Matthews, Gavin () 
Cc: Chris Aujard; Jessica Madron
Subject: FW: Draft Prosecution Policy [BD-4A.FID20472253]

Gavin

I have received the draft prosecution policy drafted by BAQC.




It appears to give POL complete discretion as to how proceed in any prosecution case. However it also appears to be little vague for that reason. It contains less detail then the draft prepared by CK. May I suggest I forward it to CK for their views as they will ultimately be advising and prosecuting in accordance with the POL prosecution policy .



Regards



Jarnail.

Jarnail Singh | Criminal Lawyer

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From: Matthews, Gavin [GRO]
Sent: 23 May 2014 14:52
To: Jarnail Singh
Cc: Chris Aujard
Subject: Draft Prosecution Policy [BD-4A.FID20472253]

Jarnail

Please find attached Brian Altman QC's first draft prosecution policy for your review.

I set out below his comments to me which need some thought and input from POL.

1. In light of our discussions with Chris, particularly his perfectly understandable wish for a "real world" rather than mechanistic, legalistic type policy document, I have (as we discussed some days ago) gone for a far more (I hope) user-friendly document than that originally drafted by CK. Indeed, it (and the title which I have readily adopted) takes the emphasis off criminal prosecution and focuses on the means of enforcement which may (but not inevitably) include prosecution. In my view this fits POL's requirements.
2. While the Beachcroft example was good I felt it far too wordy and over-inclusive for what is required and it incorporated too much unnecessary information.
3. If the policy is to be published then it needs to inform as well as be JR proof. Essentially the attached describes (1) to whom it applies (2) the underlying need for POL enforcement action (3) the options available to it (4) when non-criminal action might be deployed (5) the basic principles of criminal enforcement (incorporating by reference the CPS Code and defining the 2 stage test) (6) when criminal enforcement will be deployed (7) who makes the decision (8) the recovery of money and (9) review.

In particular:

1. At para 1.4.1 I hope I have accurately described (and may be permitted to describe) the BIP which Angela and Chris agreed is designed to identify problems and direct intervention.
2. At para 4.3 and 7.3 to 7.4 I have written in a very wide ambit of discretion for POL decision-makers but have emphasised the 'Option B' factors/approach approved by the Board without being prescriptive about any one factor and without including any cut-off financial figure (as we all agreed).
3. At para 4.4 have added in the 'safeguard' I was asked for. I have left it broad enough not to tie POL's hands about other enforcement options.
4. Section 5 (based inevitably on the Beachcroft document which Jarnail tells us was written on instructions) I have simplified.
5. As for section 8, I have done what I can on current instructions. I have left it deliberately simple. It may be that the team names are wrong. If so they can easily be corrected.

At para 8.2 I thought that the Head of Security would be more likely to have the power to disagree with the POLCT senior lawyer than an investigation officer (as was Jarnail's suggestion in the email last week). Again if this is wrong then it can be changed. Either way the decision tree set out in the Security Team's policy document (referred to at para 8.4 and footnote 3) and the decision making hierarchy in the text of that document will require revision according to any new decision tree

Can I suggest that once you have reviewed it we meet up to go through any comments you have before finalising the document.

Kind regards

Gavin

Gavin Matthews

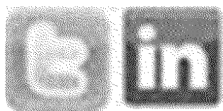
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