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Sent: Wed 20/12/2017 7:12:08 PM (UTC)
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Subject: Prosecution meeting outcome

Hi All,

I just wanted to give you a quick update from the prosecution's meeting with Jane and Mark yesterday.

A report has been produced externally examining the issues with regards to the Group Action litigation, that is due to commence hearings in November 2018. The primary function of the report is to support the POL case in the civil arena; however moving forward the findings will be equally applicable to criminal trials. The report has been considered by a specialist external lawyer. Certain findings have been referred back for clarity but overall there appear to be no major flaws.

When the report is fully complete the QC will provide his opinion and recommendations. The next stage will be to identify a subject matter expert who will act for POL in all future hearings, be it Group Action, CCRC or criminal prosecutions.

What has been highlighted is the risk of testing a case in the criminal court prior to the civil hearing, where the burden of proof has to be beyond all reasonable doubt, as opposed to the balance of probability in civil cases. The risk is that should a trial collapse, or a not guilty verdict be reached, this could have a devastating impact on the civil cases, in particular if the Judge made negative comments against POL. The counter argument is that without prosecutions our losses are increasing hugely and will continue to be so.

At this stage the risk appetite dictates that every case will be reviewed on its merits, weight of evidence and public interest as it is now, however we are unlikely to proceed to prosecute until post-civil action, unless there are exceptional circumstances. This is how we operate at present but as you know the business can change policy at any time.

There will be a legal/prosecution workshop held in January that will consider the impact of prosecuting or not, and looking at the way we deal with investigations, for example, should we continue to carry out PACE interviews if the policy is not to prosecute etc. After this meeting we will have a finalized and clear steer as to our function moving forward.

On a more positive note, the wish of the board is that as soon as practicable we return to being a fully functional prosecution team. Our team numbers will be increased considerably, we will have a full FI capability and our legal team will have a criminal section purely to support prosecutions (the good old days – before my time).

I appreciate (as do Jane and Mark) the frustration of the whole process for everyone, and thank you all for your efforts, hard work and can-do attitude. After the January meeting we will have a team conference call so I can give you the updates and decisions taken. In the meantime if you have any questions about the above please give me a call.

Kind regards

Mark



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