

From: Jarnail Singh [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JARNAIL.A.SINGH6CEADABD-67E9-4ECA-94F2-005716658847]
Sent: Wed 23/04/2014 11:15:45 AM (UTC)
To: Parsons, Andrew [GRO]; Angela Van-Den-Bogerd [GRO];
Rodric Williams [GRO]; Kathryn Alexander [GRO]; Shirley Hailstones [GRO]
Cc: Parmenter, Claire [GRO]; Leigh-Doyle, Alva [GRO];
Jessica Madron [GRO]
Subject: RE: Officer's report [BD-4A.FID20472253]

Andrew/ Angela

In my view the issues relate to the sensitivity of the information contained in the investigation officers report and data protection act. Whilst it is open to POL to disclose appropriately redacted investigated report, I am concerned of the danger which may arise if such reports are disclosed in some cases and not others. It is possible POL may be challenged as to why it choice to disclose in some cases and not others.

I am less concerned with the fact that investigation report is not signed statement but more concerned with the potential content of the report which may be potentially damaging to the POLS interest .Accordingly I think more clarity is required with regards to POLs policy on disclosure of such report.

We have been advised that a uniform and consist approach to each report would be best way forward rather than make decisions on case by case basis.

POL has been advised by senior counsel and I agree with that advice. I would reiterate that the investigation report generally sets out details of the evidence.

I hope this helps.

Regards
Jarnail

Jarnail Singh | Criminal Lawyer



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From: Parsons, Andrew [GRO]

Sent: 22 April 2014 10:39

To: Jarnail Singh; Angela Van-Den-Bogerd; Rodric Williams; Kathryn Alexander; Shirley Hailstones

Cc: Parmenter, Claire; Leigh-Doyle, Alva
Subject: RE: Officer's report [BD-4A.FID20472253]

Jarnail

The challenge with the usual prosecution approach is that statements and exhibits are verified by statements of truth which are enforced under Court rules. We have no Court rules here to make such statements binding and therefore information provided through this route is no more credible than writing the information in POL's investigation report. It would therefore be useful in some circumstances to disclose the original source document (even if redacted) as the originality of that document comes with inherent credibility.

Please can you confirm whether this approach (of releasing redacted documents) is possible or whether from a criminal law perspective there is an inviolable principle that we cannot disclose such documents.

Kind regards
Andy

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

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From: Jarnail Singh **GRO**
Sent: 22 April 2014 10:00
To: Angela Van-Den-Bogerd; Parsons, Andrew; Rodric Williams; Kathryn Alexander; Shirley Hailstones
Cc: Parmenter, Claire; Leigh-Doyle, Alva
Subject: RE: Officer's report [BD-4A.FID20472253]

Angela

The point is If the Officers report contain information that the defence should have prosecution usually we can serve it in some other way – either by statement, documentary exhibit etc. We should this stance.

Regards.

Jarnail

Jarnail Singh | Criminal Lawyer



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From: Angela Van-Den-Bogerd

Sent: 22 April 2014 08:35

To: Jarnail Singh; Parsons, Andrew; Rodric Williams; Kathryn Alexander; Shirley Hailstones

Cc: Parmenter, Claire; Leigh-Doyle, Alva

Subject: RE: Officer's report [BD-4A.FID20472253]

Andy,

We do refer to the officer's report in case M054 and in this instance using this report does in my view make for a more conclusive case. Therefore my view is that this needs to be addressed on a case by case basis as you suggest but with a presumption against disclosure unless absolutely necessary.

Kath, Shirley – please ensure that if you wish to use an investigation officer's report as a supporting document that you flag this to BD when you send them the report so that they can advise accordingly.

Thanks,
Angela

Angela Van Den Bogerd | Head of Partnerships



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From: Jarnail Singh
Sent: 17 April 2014 14:28
To: Parsons, Andrew; Angela Van-Den-Bogerd; Rodric Williams
Cc: Parmenter, Claire; Leigh-Doyle, Alva
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..

Jarnail Singh | Criminal Lawyer

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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

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